After the Taliban

Life and Security in Rural Afghanistan

Neamatollah Nojumi, Dyan Mazurana, and Elizabeth Stites

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Preface

This book is the outcome of a study that focuses on the status of human security in rural Afghanistan. Human security analyses privilege individual or human security over a state-focused assessment of security. We focus on the following four key aspects of human security:[1] human rights and personal security; societal and community security; economic and resource security; and governance and political security. Fieldwork for this study was conducted in 2003 and 2004. During this study, we accessed rural populations in several dozen towns and villages across multiple provinces. Since that time, many of these towns and villages have been, in essence, sealed off and some of the residents, particularly in the provinces bordering Pakistan, have become internally displaced persons (IDPs) in Afghanistan or refugees in Pakistan due to high levels of insecurity. At the same time, there has been a collective failure to strengthen the justice, police, and public administration. The results are that the government is increasingly seen as weak and illegitimate, which only fuels greater instability. This stark reality makes this book extremely relevant to the current efforts of members of the international community seeking to assist Afghans to rebuild their livelihoods, increase their security, and establish systems of justice.

We are not questioning the hard work of the members of the international community or the high hopes of Afghan citizens for a peaceful Afghanistan. Rather, our book reemphasizes the continuing relevance of the findings of our large-scale study on the state of human security in Afghanistan. We hope the publication of this book will serve to better inform ongoing efforts to improve the current condition of human security in rural Afghanistan.

Improving human security has been an extremely difficult challenge confronting the government of Afghanistan and the many international organi-

zations, including the United Nations, and nongovernmental organizations (NGOs) working in Afghanistan. A lack of national infrastructure, severe depletion of human resources, endemic crises of governance at the central and local levels, corrupt and ineffective police and justice institutions that fail to protect and enforce the rights of citizens, widespread gender discrimination, warlordism, and an increasingly criminalized economy based on the production and trafficking of illicit narcotics have all contributed to the continuing high levels of human insecurity. Understanding and addressing these factors have been central components of (and enormous challenges for) international organizations and donor governments operating in Afghanistan.[2]

Despite many challenges, Afghans have worked with the international community to make significant steps toward constructing the foundation of a modern state, most notably by creating a new national constitution and electing a president and parliament.[3] During the Bonn Process (November 27–December 5, 2001), leaders of most of Afghanistan's political factions (except for the Taliban) and members of the international community expressed their views that the formation of a functioning modern state with a democratic political process was essential for the well-being of the people of Afghanistan.[4] During the London Conference (January 31–February 1, 2006), Afghan representatives and members of the international community established five-year benchmarks to guide the Afghanistan Compact, a series of multifaceted reconstruction, development, and reform objectives.[5] The Afghanistan Compact has identified three critical and interdependent areas or pillars of activity over five years: security; governance, rule of law, and human rights; and economic and social development. At the London Conference, a Joint Coordination and Monitoring Board (JCMB) was established, comprising Afghan ministers and representatives of the main international donor states and the United Nations. The objectives of the Afghanistan Compact were supported by the United Nations Security Council. On March 4, 2007, the Security Council put forward that poverty and socioeconomic problems are the main causes of political instability and terrorism in Afghanistan, although such analyses are challenged by a number of Afghanistan scholars.[6]

Participants at the Bonn Agreement talks and the London Conference highlighted that the rebuilding of key governance institutions is the central requirement of state-building, without which it will not be possible to ensure the basic rights of citizens, or uphold the rule of law, the authority of the president, and the functioning of the elected parliament.[7] Toward this end, the international community has helped Afghanistan to address immediate humanitarian needs and to start the long-term process of addressing the country's overwhelming reconstruction and development needs. It is important to emphasize that significant progress has been made: millions of boys and

girls are enrolled in schools, thousands of government judges have entered into legal training, civil society has begun to expand and move forward, the Afghan National Army (ANA) has begun to function, and resources are being devoted to reforming the Afghan National Police (ANP). Additionally, newly established private radio stations, TV channels, and print media are bringing unprecedented amounts of news, information, and entertainment to Afghans throughout the country, linking them to each other and the rest of the world.

Given the grim situation of Afghanistan as one of the world's poorest countries torn apart by three decades of conflict, the above steps are significant. However, these steps are still only preliminary achievements toward making Afghanistan a functioning and peaceful nation. The steady deterioration in the security situation, measured both in terms of the number and scale of incidents as well as their expanding geographic scope, are threatening what has been thus far achieved in Afghanistan.[8] While much of the violence is linked to the Taliban and has cross-border/regional origins and implications, there is also growing insecurity in areas with little or no Taliban influence. In both cases this upsurge of violence is strongly rooted in the continuing weakness of central and subnational government, and in particular, the failure to strengthen corrupt and ineffective rule of law institutions like the police and judiciary.[9] The centrality of these issues in the deterioration of safety and security in Afghanistan indicates the importance of key aspects of human security in the contest over stability in Afghanistan.[10] The ability of these issues to both undermine and underpin stability means that building a coherent intersection between human security and livelihoods—as explained and assessed in this book—demands strategic attention and action.

Up to now, in addition to the reality on the ground, gaps in human resources have adversely affected the outcome of the international intervention in Afghanistan. This was compounded by donor indecision and inconsistency over whether to prioritize nation-building efforts or to focus nearly exclusively on the global war on terrorism; although in recent years the recognition of the need for state-building is growing. This ambivalence has been a significant factor in the weakening of donor efforts to improve human security for Afghans and has hindered and, in some cases, prevented the fruition of many projects, including large-scale reconstruction programs. Yet these programs have the potential to link livelihoods in a central way to systems supporting human security.

The spread of insecurity has increasingly been a factor in the unequal distribution of resources between military operations against the insurgents and the adequate funding of developmental programs, including those aimed at improving human security. In Afghanistan, as this book details, the strategic intersection between human security and livelihoods is what helps to give shape to the structural interdependency between security and development.

Six years have elapsed since the fall of the Taliban and billions of dollars have poured into Afghanistan in this time period. A highly imbalanced relationship between the military components of the war on terror and its economic and social development programs, coupled with the unwillingness of NATO members to contribute troops and increase military engagement in Afghanistan, has in part resulted in the continuation of insecurity, an increase of instability, and the spread of violence into previously "secured" areas such as Herat and Kabul. These factors contribute to ongoing declines in human security for Afghan men, women, and children. The Afghan front of the war on terrorism cannot be won without a long-term commitment to strategic equilibrium between military operations and economic, political, and human development in the country.

NATO and US troops play strategic roles in fighting the insurgent groups in Afghanistan. Meanwhile, the emerging leadership of the ANA and ANP are making commendable efforts to take on their difficult tasks, and indeed the ranks of these bodies, particularly the ANP, suffer the highest casualty rates of forces in Afghanistan. At the same time, both the ANA and ANP experienced a significant lack of the basic resources needed to promote law and order and fight the rising insurgencies, as we document and discuss throughout this book.[11] Currently the United States is investing heavily in the ANP, putting in $2.5 billion in 2007 (as compared to a combined $160 million in 2003 and 2004).[12] The weakness of the ANA and ANP has far-reaching implications and causes people to question the ability of the central government to govern.[13] The less than robust condition of these institutions has prolonged the direct involvement of NATO and US troops in some of the urban centers, traditional domains of the Afghan government security and law enforcement agencies. As a result, NATO and US forces are attempting to perform police roles while also fighting the insurgents. The dominance and visibility of the foreign forces has left local citizens feeling more confident in the foreign presence and hence more frustrated at the perceived inability of the Afghan government to develop a national response to threats to security.[14]

Ensuring that Afghans have a sense of stability and a feeling of ownership over reconstruction projects is critical for balancing livelihoods, human security, and national security. Yet the extreme reliance on civilian and military assistance from foreign donors—with a total package several times greater than the Afghan national budget—has made the process of state-building highly dependent on foreign aid.[15] However, one must keep in mind that since World War II, Afghanistan has been dependent on foreign aid and this trend looks likely to continue for the next several generations. While in the short term aid and funding for Afghanistan has remained high (relative to other conflict-affected countries), the commitments of donors at times fluctuate

based on short- or long-term interests, and the acute dependency prevents state-building from developing as a sustainable process.[16] From the perspective of the insurgents and their backers, they are hopeful that the fluctuations in the interest of the international community indicate a short life span of commitment to Afghanistan and imply that there will be space for insurgents to assume power once the United States and NATO leave.[17]

RELATING THE BOOK'S FINDINGS TO THE AFGHANISTAN OF TODAY

Under the active presence and pressure of the international community, Afghan warlords and former militia commanders had no option but to either enter into the post-Taliban political process or align themselves against the new government of Afghanistan and its powerful international backers. A significant number of these warlords and militia commanders have integrated into government positions at national and provincial levels, and into the Afghan parliament. In principle, this integration had the potential to be a pacifying process that could lead to the type of constructive political transition often favored in postconflict peace-building. However, the weakness of the central government has enabled the former warlords (many of whom have now morphed into drug lords and heads of illicit criminal networks) and militia commanders to maintain (and even expand) their client networks and to promote ethnic-based factionalism within government ministries. Furthermore, in efforts to achieve short-term stability, President Karzai promoted many of these warlords and militia commanders to powerful government positions. Warlords and former militia commanders remain in prominent positions in the government, after having been shuffled into different ministerial and provincial positions when they failed at their tasks or became resented by local populations. These men have formed the most powerful political blocs in the government and simultaneously enjoy access to substantial resources from international assistance as well as narcotic profits.[18] The emergence of these blocs is now a serious problem and political liability for President Karzai, as well as a profound threat to the reformist officials within the government and a growing obstacle to the process of democratic transformation of Afghanistan.[19]

Since the inception of the Karzai government, these warlords and militia commanders have been able to maintain their local influences and support their client networks through privileged access to international assistance by currying favoritism for reconstruction contracts. In addition, their involvement in the cultivation of opium poppy and drug trafficking has brought extensive wealth and enabled these men to reestablish their influence in key

areas.[20] In the rural districts they often violently suppress their competition.[21] As a result, warlords, drug lords, and heads of illicit trade networks rule the countryside and their former commanders continue to hide masses of weapons, all while publicly declaring acquiescence to the official demobilization, disarmament, and reintegration (DDR) and disarmament of illegal armed groups (DIAG) processes.

EDUCATION

Since 2003, educational initiatives have emphasized increasing access to education for both boys and girls. Between 2002 and 2007, there was an increase from 900,000 students to nearly 5.4 million, with an emphasis on enrollment of girls.[22] With the initial emphasis on prioritizing access, issues of quality and capacity-building of education professionals, much more difficult and longer-term issues, have been neglected. The lack of appropriately skilled professionals is a huge constraint to reconstructing the education system in Afghanistan. Significant numbers of qualified teachers have left for the private sector in pursuit of better incomes. At the beginning of 2006, the Afghan government and the international community met in London to set goals for what the country should achieve by the end of 2010. Agreed benchmarks to enhance the quality of public education included establishing a new curriculum in all secondary schools, increasing female teachers by 50 percent, having 70 percent of Afghanistan's teachers pass a competency test, and introducing a system to assess learning achievement.[23] Importantly, the Afghanistan Compact envisions the number of women attending universities to increase to 35,000, a goal directly linked to efforts to increase the number of teachers in Afghanistan's schools.[24]

Yet as we detail throughout this book, many Afghan families do not allow their daughters to continue education beyond primary school (or after they reach puberty) due to cultural and religious conservatism, as well as concerns about insecurity, especially in the southern, southeastern, and eastern parts of Afghanistan.[25] Recent attacks on schools by armed men intent on killing students is causing parents to withhold their children from schools, saying that they would rather the children be illiterate and alive. Other reports indicate that girls are being forced to leave school due to discriminatory traditions, or because they are offered as child brides by their families, which we discuss in detail in this book. Recently, the World Bank introduced initiatives to address the cultural constraints affecting female education in Afghanistan, and we investigate some of these constraints through the voices of rural women themselves.[26] Given the rise of insecurity and the influence of powerful conservative politicians in the government, the ability of girls and women to access education remains a pressing issue that is explicitly linked to their human rights and one with ramifications that we address throughout this book.

HEALTH CARE

We document a range of health care issues that faced rural Afghans after the fall of the Taliban, and these issues are still relevant today. Continued and expanded training is still needed for doctors, nurses, midwives, community health workers, and mobile clinic staff throughout the country. On a positive note, an independent evaluation of health services in Afghanistan carried out by Johns Hopkins University shows improvement in the last three years in access to care and key health indicators.[27] International assistance and the emergence of professional Afghan leadership have assisted in the achievement of key steps in improving the health care system, including the establishment of Afghanistan's first public health institute, the formation of strategies for the development of primary and secondary care, the creation of reforms within the Ministry of (Public) Health, and the advancement of NGO contracts to provide services in each province.

Yet the deterioration of security, especially in the southern, eastern, and southeastern provinces, has hampered access to health care facilities for residents of rural communities, particularly in regard to women's health issues. In southern Afghanistan, there is an estimated one health center per two hundred thousand residents.[28] The deterioration of security in the rural districts combined with a lack of economic opportunity and the absence of services has motivated hundreds of thousands of people to move to the already overpopulated urban centers, further straining the social services in these locations. For example, in Kabul (with an estimated population of three million) the public health facilities are overwhelmed by the increasing number of citizens seeking health care. Although experts agree that Afghanistan is at the early stages in the HIV/AIDS epidemic, the surfacing of people infected with HIV is causing grave concern and has serious consequences. Due to pervasive illiteracy and the extremely taboo nature of extramarital or premarital sexual activity, officials fear that people are unlikely to be aware of or disclose their status to regular sexual partners or family members.[29] Our sections on health care, including those on sexual and reproductive health care, provide important information to better understand these issues.

Efforts and programs regarding mental health care are sporadic and are largely limited to urban centers. This means that hundreds of thousands of Afghans in need of mental health services have no access to services. Yet the effects of psychological stress are felt most acutely in the rural areas of the

southern provinces where violent fighting increased dramatically in 2007 and is expected to worsen in 2008. Treating mental health issues in Afghanistan will prove extremely challenging given the near absence of Afghan mental health professionals and the difficulty of outsiders to understand cultural beliefs and practices well enough to adequately assist people.

In this book we look in depth at issues surrounding the production of opium poppy, highlighting the need to address growing addiction rates and the negative health consequences of opium cultivation. Today, lack of access to health facilities has already led locals, especially women, to use opium as a pain killer.[30] This has caused an increase in addiction among the local populations and has adversely affected the capacity of public health efforts to handle routine care. In Badakhshan, for instance, 3,730 opium-addicted individuals who had received treatment resumed opium consumption shortly after the rehabilitation, according to the United Nations Office on Drugs and Crime (UNODC).[31] Narcotics are now a major issue in Afghanistan, making up an estimated 50 percent of actual gross domestic product (GDP) and serving as a major contributor to livelihoods for many Afghans. It is also a major driver behind failed governance and increased conflict.

HUMAN RIGHTS OF WOMEN

The human rights of women and girls are under severe threat in rural Afghanistan. We document the challenges facing women and girls in every section of this book, from accessing credit at markets to justice systems. While some gains have been made, the rights of Afghan women and girls remains one of the most pressing issues facing the development of the country.

Despite notable achievements in the education sector and in the representation of women in Afghanistan's parliament, Afghan women still endure chronically high rates of infant and maternal mortality, growing insecurity, and widespread levels of domestic violence.[32] In the southern and eastern provinces, policies designed to support the betterment of conditions for women are under serious threat. As Taliban insurgents and other conservative forces have strengthened, especially in the past three years, schools have been burned down, female teachers killed, and the parents of thousands of children terrorized in an effort to keep children out of schools.[33] In the first part of 2007, many leading women activists, including members of parliament, have been threatened and some have been murdered by the Taliban and warlords.[34]

The difficulty that many women face accessing health care facilities means that some have turned to the medicinal qualities of opium to treat ailments and quiet unruly children—prompting spiraling rates of addiction in the process.[35]

The high rate of female illiteracy, with four out of five women unable to read and write, contributes to women's lack of awareness of their basic rights. Legal reforms designed to protect women have not been implemented and women continue to be detained by police for breaching social mores. Early marriage remains a common source of economic betterment of families and honor killings continue largely unchecked, while self-immolation remains the last refuge of the desperate girls and women forced into marriages they do not want.[36] Six years of reconstruction of Afghanistan shows that without strong and pervasive support of women's institutions and effective protection of women activists, better conditions for Afghan women and the realization of women's rights will not materialize. At the same time, given the conditions that Afghan women find themselves in, it is likely to take decades for Afghan women to realize their rights.

Participants at the 2006 London Conference committed to efforts to improve the situation and rights of Afghan women. The conference has supported the establishment of the National Action Plan for Women in Afghanistan that is aimed to be fully implemented by the end of 2010.[37] Furthermore, the United States House of Representatives passed a bill on June 6, 2007, to support security and economic assistance to Afghanistan. The bill supports the Women's Empowerment Act that has authorized $5 million for the Afghan Ministry for Women Affairs; $10 million for the Afghanistan Independent Human Rights Commission, and $30 million for Afghan-led nongovernmental organizations that are providing assistance to Afghan women and girls.

CIVIL SOCIETY

We argue throughout this book that the strength of civil society in both urban and rural areas is one of the most important measures in facilitating a strong citizenship and an active democracy that is able to oppose militant fundamentalism and warlordism. Civil society within a local context connotes a healthy civic space in which citizens are able to stand for the fulfillment of their basic needs in response to special interests of the state and private sector. Regaining a sense of community and the ability to acquire public goods forms the foundation of greater civic condition essential for good governance and rule of law. The current forms of governance operating throughout the country still undermine the rights of the population, particularly women. Over the last three years, the international community has increased its support for the development of civil society in Afghanistan. The USAID-funded Initiative to Promote Afghan Civil Society (I-PACS), for instance, was an effort to increase the role and viability of civil society through the provision

of capacity-building training and grant support to organizations showing potential to be sustainable and effective. As part of this effort, I-PACS supported the development of Civil Society Support Centers (CSSCs) as integral components of a robust Afghan civil society infrastructure. However, these initiatives have not reached rural Afghanistan and are not sustainable institutions in the select urban centers where they currently exist. International support has been the umbilical cord to the Afghan civil society. More efforts from within Afghanistan are needed to build a strong and active civil society that is able to counter predatory and abusive forms of governance.

Helping Afghans to have a sense of community means building the ability to keep the state accountable for its policy and action. This can be done when citizens are able to understand their constitutional rights and the means to enforce the protection of these rights. In the last three decades the absence of a civic space has resulted, in part, in traditional civic institutions, jirga and shura systems, falling prey to predatory communist and Taliban regimes, Islamic extremism, and warlordism. Strengthening the role of Afghan civil society will require consistent and long-term commitments in order to widen the political space for civil society groups and actors.[38]

JUSTICE SYSTEMS

One of the primary foci of this book is the justice system within Afghanistan. Efforts to build capacity within the justice system have increased. The formation of a new strategy for the three most important justice institutions—the Supreme Court, the office of the attorney general, and the Ministry of Justice—is an important step toward structural reforms in this sector. In July 2007 the Italian government hosted an international conference on the Rule of Law, in which the justice sector was the focus of most of the discussions. This was a follow-up to the first Italian-hosted international conference in February 2007 on judicial reform and the improvement of law enforcement agencies in Afghanistan. Britain, Canada, the European Union, Japan, and the United States reaffirmed their commitment to helping the government of Afghanistan enhance the rule of law and carry out judicial reform. Nonetheless, the Afghan justice system continues to operate with a staff that is insufficiently trained and undereducated. Personnel are recruited through a system that is not transparent and does not operate under credible mechanisms for ensuring accountability and the rule of law.

Recent studies funded by the United States Institute of Peace show that the majority of legal disputes continue to be handled by the nonstate justice system outside of the official government courthouses.[39] This indicates that

lack of access to a fair trial and defense attorneys, especially for women, is still highly salient in Afghanistan, issues we detail and analyze throughout this book. The Afghan nonstate justice system needs to be researched further. At the same time, building the capacity of the nonstate justice system through legal training, including awareness of legal parameters within the Afghan constitution, will help to make it complementary with the state justice system. A complementary relationship between the two systems of justice will offer Afghans greater access to justice and make steps toward the reestablishment of the rule of law. There remains a clear need to establish a network of accredited law schools under the Ministry of Higher Education and step-by-step judiciary reforms beyond Kabul, also discussed in the book.

In conclusion, the imbalance between international commitments to nation-building and the global war on terrorism, the weakness of Afghan central and local governments as well as civil society, the growing disillusionment of Afghans with the promises of reconstruction and development, the ongoing opium and narcotics trade, the high levels of corruption and criminality, the entrenchment of fundamentalism, and the upsurge of militant insurgency all pose serious threats to peace and stability in Afghanistan. President Hamid Karzai's government is encountering extreme difficulty extending its control and influence outside Kabul and into the provinces and rural districts.

Afghanistan has arrived at a tipping point between stability and chaos. A robust implementation of the Afghanistan Compact is urgently needed.[40] Representatives of sixty nations, international institutions, and the Afghan government are committed to providing the necessary resources to support a stable and prosperous Afghanistan. Yet, there is still a strong need to demonstrate the political will and allocate the resources to undertake reconstruction and make real the deep-rooted institutional changes that are required now more than ever. We argue that efforts to strengthen human security and livelihoods must inform and underpin the structural support systems meant to improve security and pacify the growing Taliban-led insurgency.

Neamat Nojumi
January 2008

NOTES

1. Edward Newman and Oliver Richmond, eds., *The United Nations and Human Security* (Palgrave: New York, 2001), 15–30.

2. See C. Cramer and J. Goodhand, "Try Again, Fail Again, Fail Better? War, the State and the 'Post-Conflict' Challenge in Afghanistan," *Development and Change* 33, no. 5 (2002): 885–909.

3. See "Afghanistan in 2006: A Survey of the People of Afghanistan," The Asia Foundation, November 9, 2006.

4. "Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions," UN Security Council, December 7, 2001.

5. "Building on Success: The Afghanistan Compact," The London Conference on Afghanistan, January 31–February 1, 2006.

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1

Introduction

The establishment of the Afghan Transitional Authority (ATA) in December 2001 brought hope to many within Afghanistan and the international community for the beginning of a new era in which the country and its people would rejoin the international community and would move toward internal peace and security. A variety of actors have entered into Afghanistan since late 2001, including the International Security Assistance Force (ISAF) as endorsed by the United Nations Security Council; the political players under the Bonn Process of December 2001 (the Afghan Support Group, the United Nations, and a self-selected group of prominent Afghans); large numbers of governmental development agencies and international NGOs; and the Coalition forces fighting terrorist elements. But the departure of the Taliban regime was not sufficient to address Afghanistan's underlying problems. At the end of 2001, Afghanistan was a country suffering the effects of years of conflict, poverty, and natural disasters, including a devastating drought that began in 1998. The central authority had been weak, contested, or nonexistent for years, and the population was overwhelming rural, uneducated, and with little connection to institutions of state control. Furthermore, many people in the countryside were controlled and abused by armed political groups.

Much has been accomplished since the establishment of the first interim government. Two *Loya Jirgas* (Grand Assemblies) have been held since the fall of the Taliban. The first *Loya Jirga* ratified a transitional Afghan government in June 2002, and the second approved a new constitution in December 2003. International donors have made pledges for reconstruction at three international conferences, the most recent held in Berlin in spring 2004. Since 2002, the Transitional Islamic Government of Afghanistan and later the government of the Transitional Islamic State of Afghanistan (TISA)—with exten-

sive assistance from international donors—has set up ministries, established relations with international capitals, put in place development and financial programs, and begun the training of a new national army and civilian police force. Thousands of Afghans (mostly men, but some women) have found employment, and millions of Afghan boys and girls have returned to school.

However, the Afghan government continues to face immense challenges: a countryside and infrastructure devastated by three decades of war; a militarized economy largely dependent on continuing war and unrest; a highly profitable but illegal trade in drugs and timber; a cabinet, ministries, and judicial system polarized by political and ethnic tensions; the existence of armed political groups and powerful warlords—some defiant toward Kabul, others in positions of power within the Afghan government; and a colossal shortage of human, natural, and financial resources due to years of war and drought. These challenges are exacerbated by the corruption and the pervasiveness of the patron-client system that exists throughout Afghanistan's formal and traditional systems of government and governance.

Immense and multiple challenges and obstacles also face Afghans, international donors, and assistance workers engaged in the country's reconstruction and nation-building process. The challenges include poor to nonexistent transportation, communication, health, and education systems; the difficulty of logistics in Afghanistan's mountain and desert terrain; the presence of millions of land mines and unexploded ordnance (UXOs); and a number of armed groups, some of which are increasingly using tactics of terror and overt hostility, that seek to control local populations. These obstacles often impede progress, and make it difficult to discern clear indicators of advancement toward development goals. It is within this complex environment that rural Afghans seek to build their lives and livelihoods and to ensure the security of themselves, their families, and their communities. It is also within this environment that the Afghan government and the international community seek to rebuild a secure and sustainable state.

OVERVIEW OF THE BOOK

This book aims to examine current countrywide trends in the relation between human security and livelihoods among rural Afghans from 2002 to 2003 (roughly, the fall of the Taliban and the establishment of TISA through the end of 2003).[1] We start with an assessment of the current state of human security broadly defined at the individual, household, and village levels. Human security analyses privilege individual or human security over a state-focused assessment of security. We focus on the following four key aspects of human security:[2]

Human rights and personal security
Societal and community security
Economic and resource security
Governance and political security

The book details and analyzes the links among these dimensions of human security, livelihoods, and rural Afghan's perceptions and experiences of (in)security from early 2002 through the end of 2003. We then investigate the systems and institutions (formal, traditional, and customary) that are available to rural Afghans to manage conflict and seek justice when their human security and livelihoods are under threat or attack. Based on our findings, we offer issue-specific conclusions and policy recommendations.

This research was funded by the Asia and Near East Division of the United States Agency for International Development (USAID). We involved TISA through the Ministry of Health and the Ministry of Rehabilitation and Rural Development from the beginning of the research.[3]

Importantly, although this research was funded by an international donor, the research was neither designed nor intended to be an overview or evaluation of national or international programs within Afghanistan. Rather, it is an assessment of conditions of human security as experienced, perceived, and portrayed by rural Afghans.

This book is organized in three parts. In part I, Rural Afghans and Human Security, we focus on the first two aspects of human security: human rights and personal security, and security of communities and societies. We analyze and assess the current state of human security for rural Afghans at the individual, village, district, and provincial levels. This book draws primarily on the experiences, voices, and perceptions of rural Afghans. This means that, at times, the book offers perspectives that are very different from the dominant international understanding of certain security concepts or experiences. The most salient example of this difference is in the perception of "security." An international understanding of security (or insecurity) tends to emphasize threats to physical safety and well-being, such as violence, physical abuse, or direct intimidation. In contrast, the rural Afghans in our research emphasized the broader key aspects of *human* security—including access to health and education for men and women, girls and boys; rights within families and communities; economic security, including access to sustainable livelihoods and the ability to feed their families; and access to formal and traditional systems of justice. In nearly all instances, we found that while rural men face the greatest threat to (and least protection of) their physical security, women and girls face the greatest threat to their rights and human security.

Human security is also concerned with livelihood strategies that determine the overall well-being of individuals and communities. In part II, Rural Afghans and Livelihoods, we focus on examining the third aspect of human security in the links among economic and resource security and livelihoods. Livelihood strategies depend both on having adequate access to basic assets (human, natural, financial, physical, and social), and on the policy and institutional environment that determines what livelihoods can be pursued and by whom. These policies and institutions include systems such as governance and the rule of law (or lack thereof), gender roles, systems of wealth and ownership, and judicial norms. Additionally, the degree and context of a household's vulnerability has a strong influence on livelihood strategies and outcomes. Vulnerability is determined by exposure to shock, trends, and seasonality. Shocks may affect health, prices, or employment; trends bring long-term chances in terms of trade, economic indicators, life stages (such as childbearing, old age, widowhood); and seasonality refers to shifts in production prices and cycles, health, and employment.[4]

Where do rural Afghans turn for protection or to seek redress or justice if their physical security, human security, or livelihoods come under threat or attack? In part III, Rural Afghans and Systems of Justice: Formal, Traditional, and Customary, we examine the fourth key aspect of human security: governance and political security, with specific focus on the formal legal systems (including the courts, police, and detention centers) designed to uphold the rights of rural Afghans and to provide protection and redress for individuals and communities. We also document and analyze the traditional and customary systems that have been established to maintain relations, manage conflict, and solve disputes. To assess how these systems are evolving and functioning and how well they serve rural populations, we document rural people's experiences and perceptions of physical and human security and options to remedy unlawful acts in rural Afghanistan. Interviews with local people reveal current threats to security, what people do when they or their livelihoods are threatened, whom they approach for protection or redress, and how they seek to mitigate conflict and threat. By documenting and analyzing formal, traditional, and customary systems, we anticipate being able to provide national and international scholars and policymakers with a better understanding of the existence, capacities, and challenges of current mechanisms for mitigating violence and strengthening the human security and livelihoods of rural Afghans.

RESEARCH METHODS AND DATA COLLECTION

Our research examines the current state of security as it affects the livelihoods and human security of rural Afghans, with particular attention to shifts in

vulnerability experienced by rural populations since early 2002 through the end of 2003. For the purposes of this research, we define rural Afghans as those persons living outside of an established provincial center.[5] Quantitative data collected through in-depth interviews shows *if* and *to what degree* individual and household security and access to necessities and livelihood inputs has changed over the past year.[6] Quantitative and qualitative data collected through in-depth interviews that explore issues of human security and livelihoods seeks to explain *why* these shifts have occurred. Qualitative data was also collected regarding formal and informal systems of justice and dispute resolution that rural communities have developed and use to manage conflict, seek redress, and access justice. All data are analyzed within the provincial, countrywide, and regional context as appropriate.

Our research includes three main sources of data: 1) data generated from the 2003 interministerial National Risk and Vulnerability Assessment (NRVA) countrywide surveys, 2) in-depth interviews and quota sampling of rural populations by our team, and 3) in-depth interviews by our team with those involved in formal, traditional, and customary systems and bodies of arbitration and justice.

The 2003 National Risk and Vulnerability Assessment

We draw on 2003 National Risk and Vulnerability Assessment (NRVA) data. The NRVA was carried out July through September 2003 by the United Nations World Food Programme (WFP) and the Ministry of Rural Rehabilitation and Development (MRRD), in collaboration with numerous other stakeholders, including the Ministries of Agriculture and Health, international agencies (including USAID, FAO, WFP, DFID and others), and local and international NGOs. The Feinstein International Center, Tufts University, and members of our team were also stakeholders and participated in designing the 2003 NRVA. Stakeholder teams trained Afghan men and women throughout the country to carry out the surveys. These teams entered the data, and supervisory teams in the field quality checked the data. WFP staff in the national office rechecked the data and entered the data into databases.

The 2003 NRVA survey teams conducted interviews in 1,850 villages, equating to approximately 1:20 villages throughout rural Afghanistan. Teams worked in almost every district in the country, surveying four to five villages in each district. Only a handful of areas in the south and southeast were not covered due to security concerns for the survey teams.[7] NRVA surveyors collected data at four levels in each district: the district, villages (including interviews with male and, when available, female *shuras* or councils), three wealth groups (medium, poor, and very poor), and house-

holds.[8] The majority of the rural population falls into the "poor" wealth group category and thus we draw primarily on data from the poor wealth group for the construction of the maps in the book. During the NRVA survey, separate interviews were conducted with male and female members of the village, of the three wealth groups, and of households, although interviews with women were not possible in areas where there were no female surveyors (discussed below). The total database comprises information on approximately 1,850 villages, 5,600 wealth groups, and 13,000 households. Household data include information on approximately 150,000 persons, but this information is not used or presented in the book. It is available through the Ministry of Rural Development and Reconstruction. Much of the information collected by the 2003 NRVA has never before been available at the countrywide level.

We served as stakeholders in the 2003 NRVA and participated in the survey design, drafting the overall framework for the assessment and training of the surveyors. As stakeholders in the NRVA process, we were able to incorporate a number of specific questions into the NRVA surveys, thus enabling the collection of spatial data throughout Afghanistan on changes since 2002 on specific aspects of human security and livelihoods. These aspects include access to water, markets, land, livestock, agricultural inputs, fuel, aid relief, and credit, as well as asset depletion, migration, remittances, physical security, experiences of violence, morbidity, mortality, and availability and access to formal and informal systems of justice and conflict management.

Due to its extensive coverage, the 2003 NRVA data show spatially explicit results. We then analyzed the relevant 2003 NRVA data and attempted to build upon them to explore a range of *reasons behind* the different levels and kinds of human (in)security being reported throughout the country and the effects of this security (or insecurity) on rural livelihoods. While we make use of data from the 2003 NRVA survey, all analysis and presentation of the 2003 NRVA data in this book is our own unless otherwise stated.[9]

Structured In-Depth Interviews with Rural Afghans

To give a greater depth of understanding of the patterns observed in the NRVA data, we use data we collected from in-depth work in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces. Thus, the second major data-gathering tool of this research is structured in-depth interviews based on quota sampling (described below). The structured in-depth interviews contain questions pertaining to basic demographic data, water, land, livestock, markets, income streams, occupations, health, education, migration, remittances, relief and aid, debt, coping strategies, conflict, rights violations, causes of instability and insecurity, availability and access to formal and informal justice mechanisms, and landmines.

Stratification of sampling is based first on provincial centers, representative districts, and then on the village level. The five most influential provincial centers—Mazar-i-Sharif (Balkh), Herat (Herat), Kandahar (Kandahar), Jalalabad (Nangarhar), and Kabul (Kabul)—were selected due to their importance as the economic, political, military, and judicial centers of Afghanistan. These cities hold the most powerful branches of the governmental ministries. Governors within these provincial centers have significant influence on the policies of neighboring provinces. Institutions of higher education are based in these centers, as are many of the health and social services. We hypothesized that proximity to Afghanistan's largest provincial centers may have a discernable effect on rural populations' experiences and perceptions of human security and their livelihoods. Our sample also included Badghis, a province whose rural populations are among the most geographically isolated in the country. Importantly, we anticipated gender differences in both experiences and perceptions of human security and livelihoods and tailored our sampling accordingly.

We had made plans to conduct work in another remote province, Nuristan, but were prevented due to heightened military activities carried out by the Coalition forces in the province during the time of our planned fieldwork.[10] Similarly, funding delays, dangerous winter weather, and the temporary cessation of flights halted our plan to conduct work in Badakhshan. We were able to conduct fieldwork on issues of formal and traditional justice systems (including the local forms of government and governance, courts, police, and detention centers) in Balkh, Badghis, Herat, Kabul, Kandahar, and Nangarhar. However, we were unable to conduct our in-depth interviews and survey in Balkh due to funding delays. Therefore, while qualitative data is presented from all six provinces, our presentations of quantitative survey data do not include Balkh province.

We did not undertake the in-depth work in the six provinces to provide a detailed, contextual analysis of recent developments within the provinces themselves, or to offer comparative analysis of the provinces themselves. Rather, these provinces were selected in an attempt to offer a more nuanced understanding of the larger countrywide patterns apparent in the 2003 NRVA data. For example, when 2003 NRVA data shows that 48 percent of the rural population has a primary drinking water source that is nonpotable, the in-depth work we did in the provinces looks into the reasons why this is the case and documents how lack of potable water affects human security and livelihoods. Likewise, when 2003 NRVA data show that far fewer rural Afghan girls attend school than rural boys in the same areas, our analyses of the data from the provinces provides information on the primary reasons behind this reality and examines the implications for girls and women's human security.

Additionally, the in-depth work in the six provinces builds on 2003 NRVA data to explore other aspects not covered by the NRVA to enable more extensive coverage of issues of human security.

Unit of Analysis

Individuals within the sites surveyed form the unit of analysis (i.e., who we interviewed and who our sample represents). In order to access individuals, we first met with provincial officials, district authorities, and village level leaders for reasons of both accountability and security.

Sampling

It was not possible for us to perform random sampling under the conditions in Afghanistan because of poor communication, transportation conditions, and security risks throughout the country. Therefore, while villages were randomly selected, in selecting individuals we used quota sampling, which approximates random sampling.

Precision of Estimate

To determine the number of interviews needed to characterize responses of male and females in each province we examined rural population sizes in provinces to be sampled (based on most recent Central Statistical Office of Transitional Islamic State of Afghanistan estimates). For convenience, we then assumed a 50:50 sex ratio. To avoid undersampling, we selected the number of males and females to be sampled based on the highest rural population for our research (Nangarhar n = 1,004,000) that would provide an estimate of a proportion within ±0.12 (95 percent confidence interval).[11] In other words, when percentages are given for rural populations within Badghis, Herat, Kabul, Kandahar, and Nangarhar, these percentages represent the entire rural population of the province within ±0.12 percent.

In-depth Interviews with Rural Afghans Involved in Formal and Traditional Systems of Justice

The third form of data we collected are from in-depth interviews and observations to record and analyze the experiences of violence and individual, household, and community security in order to evaluate levels of human (in)security and the availability of formal and traditional conflict prevention and mediation bodies. We conducted interviews with 1) persons involved in the formal systems, including courts, police, and detention centers at the provincial and district level, and 2) those involved in traditional bodies, such as local *Jirgas* and *shuras* among the tribal and nontribal populations. We conducted these interviews in Balkh, Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces. Through these interviews, we sought to determine and analyze people's access to these bodies and default systems of justice. Understanding this access is crucial for broadening existing knowledge of the state of human security of rural Afghans.

ASSESSING SECURE AND INSECURE AREAS

We designed the research to assess recent changes in the human security and livelihoods of rural Afghans, and this was carried out in a variety of security zones as classified by the United Nations Assistance Mission to Afghanistan (UNAMA). Our work was conducted in zones listed as "High Risk/Hostile Environment," which designates areas that humanitarian organizations should not enter; "Medium Risk/Uncertain Environment," which applies to areas where humanitarian organizations are only to enter with a military escort or police escort; and "Low Risk/Permissive Environment," which refers to areas where humanitarian agencies can work using precautionary measures. To only work in "Low Risk" areas where the United Nations or international aid agencies were present would result in a bias in the research findings, which we wanted to avoid. Over one-half of our research was conducted in rural districts labeled "Medium Risk" and "High Risk," areas considered insecure and thus restricted or off-limits to United Nations and many NGO staff. In a number of these areas where we worked, few or no United Nations or international humanitarian agencies had been operating for several months due to real and perceived security risks against their national and international staff (this was the case in districts in Badghis, Kabul, Kandahar, and Nangarhar).

LOCATION OF FIELDWORK

We conducted fieldwork from July to December 2003, in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces. Districts were chosen as those most representative (agro-ecologically, ethnic/tribes, conflict-affected, and so on) of a group of rural districts within the province. Afghan staff working for the World Food Programme and familiar with the rural districts (usually the head of the United Nations World Food Programme's Vulnerability Assessment Monitoring Unit) assisted us in selecting representative districts.

Villages within districts were randomly selected. Within each village we conducted interviews with two to three women and two to three men. In Badghis, fieldwork was conducted in twelve villages in the districts of Bala Murghab, Jawand, and Qal-i-Now districts. In Balkh, fieldwork was conducted in Char Bulack, Marmul, and Mazar-i-Sharif. In Herat the team worked in sixteen villages in Farsi, Guzara, Koshan, and Pastun Zargoon districts. In Kabul, the team worked in sixteen villages in Mir Bacha Kot, Musayi, Paghman, and Surobi districts. In Kandahar, the team worked in sixteen villages in Daman, Panj Wai, and Arghandab districts. In Nangarhar the team worked in sixteen villages in Kama, Mohmand Dara, Pashir Wa Agam, Shurk Rod, and Rodat. We conducted approximately 350 interviews with individual rural men and women, with a total interview time of over seven hundred hours. Within each province, our study population provides an estimate of a proportion within ±0.12 (95 percent confidence interval) for the rural population. As stated above, this means that when percentages are given for rural populations within Badghis, Herat, Kabul, Kandahar, and Nangarhar, these percentages are representative of the entire rural population of the province within ±0.12 percent.

In addition, we interviewed approximately thirty rural police chiefs or heads of investigative units, thirty district judges and prosecutors, and approximately two dozen rural heads of districts or district authorities. We interviewed over fifty judges and prosecutors in the urban centers of Balkh, Herat, Kabul, and Nangarhar. We conducted over forty interviews with United Nations, government, and national and international NGOs working in Afghanistan in fields related to human security or livelihoods.[12]

Although we relied on many sources in conducting our research, the vast majority of information in this book comes directly from in-depth interviews and conversations with rural Afghan men and women. We spoke with rural Afghan villagers, village leaders, members of *shuras* (local councils), rural police, police soldiers, and police chiefs, and district authorities, judges, and prosecutors. We were extremely fortunate to be able to conduct extensive and individual interviews with rural Afghan women and girls in their own homes. We make every effort to prioritize the voices of the rural men and women interviewed for this research and to incorporate their perspectives, concerns, priorities, and hopes for the future into this book.

NOTES

1. This book does not cover urban populations. As a result, the data and analyses often portray a situation that appears much worse than reported by recent studies that focus on urban populations (where much international assistance has been received) or a combination of urban and rural populations.

2. Edward Newman and Oliver Richmond, eds., *The United Nations and Human Security* (Palgrave: New York, 2001), 15–30.

3. In finalizing the design and scope of the study, we met in Afghanistan with a number of organizations and agencies to solicit their input, including USAID/Afghanistan, Afghanistan Research and Evaluation Unit, Aga Khan Trust for Culture, AREA, CARE International, Catholic Relief Service/Afghanistan, European Commission, UK Provincial Reconstruction Team, Management Systems International, GOAL, International Crisis Group, International Rescue Committee, Mercy Corps, Save the Children/US, UNICEF, UNHCR, WFP, the Afghan Independent Human Rights Commission, and the Afghan Ministries of Health, Rehabilitation and Rural Development, the Justice, and Supreme Court, and the United Nations Assistance Mission to Afghanistan (UNAMA).

4. Adam Pain and Sue Lautze, *Addressing Livelihoods in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, 2002), 9–17. This model is based on the UK Department for International Development (DFID) Sustainable Livelihoods framework.

5. The Afghan government's Central Statistical Office (CSO) is currently working on a definition of "rural Afghans." The World Food Programme (WFP) and the NRVA study are basing their definition on the CSO criteria, which we also used.

6. For the purpose of this book, we define a "household" as all people, related or unrelated, who live together in one compound. We define a "family" as individuals related by blood or marriage, including those linked through polygamous unions.

7. Importantly, for much of the southern half of the country, the NRVA supervisors were unable to find qualified Afghan women who would work in the rural districts due to fear of insecurity. As a result, when trying to calculate information given specifically by women at a countrywide level, there is a large gap of missing data from the south.

8. The NRVA did not assess the needs of the fourth wealth group classified as "the better off."

9. All maps in this book have been generated by the authors unless stated otherwise.

10. Uruzgan and Nimroz were ruled out of the study due to high levels of insecurity.

11. Rural populations for study provinces: Kabul (615,900), Balkh (688,300), Herat (910,700), Nangarhar (1,004,000), Kandahar (324,800), and Badghis (297,300). Population figures provided by Central Statistical Office of Transitional Islamic State of Afghanistan, *Estimated Population of Afghanistan 2003–2004*, Kabul, Afghanistan: CSO, 2003.

12. See note 3 for agencies, organizations, and government bodies interviewed.

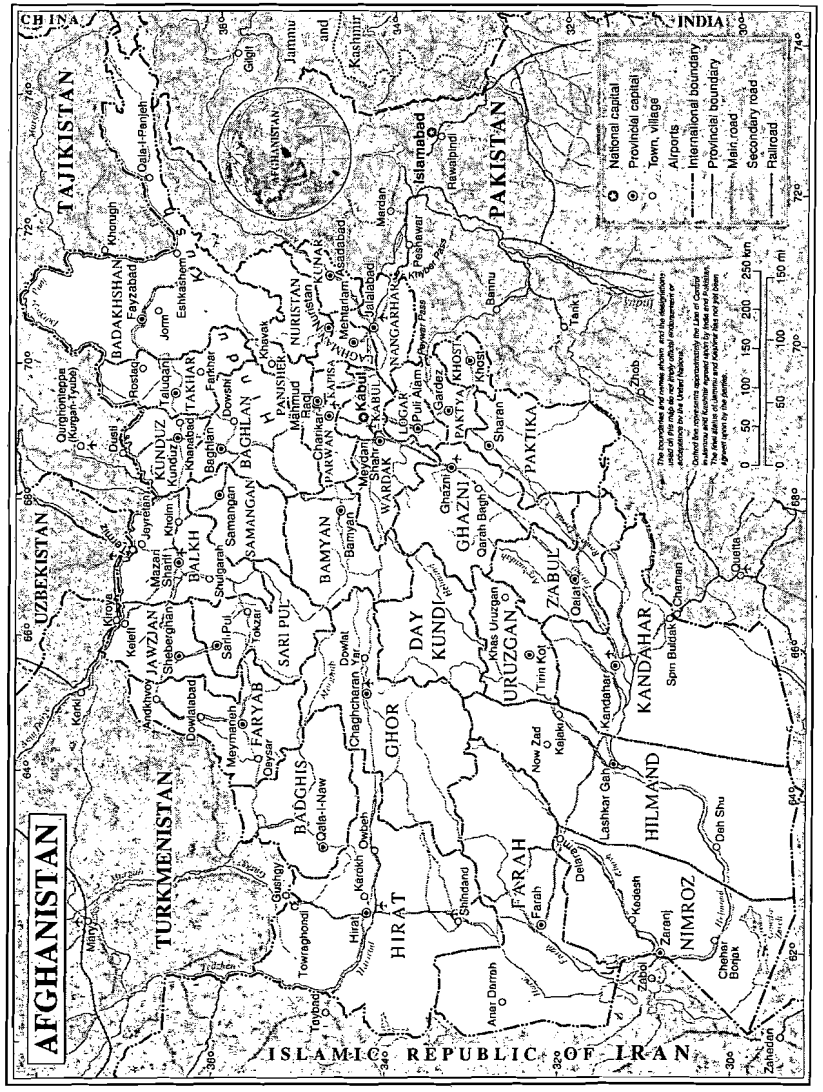

Figure 2.1. Map of Afghanistan. From UN Cartographic Section, no. 3958, rev. 5, October 2005

2

Provincial Background and Overview

Chapter 2 provides a brief introduction to and overview of the provinces in which we conducted our in-depth work, namely, the provinces of Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar.

BADGHIS

Badghis is a mountainous province in western Afghanistan that borders the provinces of Herat, Ghor, Saripul, and Faryab and the country of Turkmenistan. Badghis shares ecological conditions with the Central Highlands. The terrain is extremely rugged and many areas are difficult to access, with numerous villages only accessible by foot or donkey. Badghis is one of the poorest, most geographically isolated (all but one district is inaccessible during winter months), and most food insecure areas of the country, with 75 percent of districts reporting 50 to 100 percent kilocalorie deficits.[1] Current population estimates report 297,300 rural and 8,300 urban persons.[2] The ethnically mixed population consists of Aymaq, Hazara, Pashtun, and Tajik.

Agricultural land in Badghis is mostly rain-fed, with some small irrigated areas in the deep canyons and along valley streams. People historically relied on livestock, but a severe drought in the 1960s, years of war, and the four-year drought of 1998–2002 greatly reduced livestock holdings. Areas of soil erosion, overgrazing, desertification, and deforestation are severe throughout the province, increasing the risk of landslides and other natural hazards, and resulting in heavy sediment loads in the rivers.

The remote and geographically rugged nature of the province did not spare it the effects of conflict. Badghis's strategic location on the Turkmenistan border made the roads and trails through the province important supply routes

in the war against the Soviets. Fighting was heavy in the province during the 1990s, first between General Dostum and Ismail Khan, and then between the Taliban and the Northern Alliance and the Taliban and General Dostum. Factional fighting continued in some areas of the province in 2003 with various officials and commanders allying themselves with the remnants of the Taliban, Hikmetyar, Ismail Khan, and the Afghan government. During these periods, many people were internally displaced within the province or left the province entirely due to fighting and economic hardship. Some Badghis residents still remain in internal displacement camps around Herat city.

Recently, commanders controlling the southern districts of Badghis have aligned themselves with the Afghan government. Hikmetyar seeks to maintain influence over the eastern districts, while the northern districts continue to see fighting among local commanders.

Our analysis of 2003 NRVA data show that 100 percent of districts throughout Badghis province report insecurity due to conflict, with the majority (>50 percent) of villages reporting insecurity in 86 percent of the districts (see International versus Rural Afghan Perceptions and Experiences of Insecurity in chapter 3). The United Nations lists portions of six districts (86 percent of the districts in the province) as insecure; these are areas that contain the main road through the province.

Human insecurity is high throughout Badghis. Up to 25 percent of villages in half of the province, particularly the western half, report lack of access to agricultural and grazing land, schools, clinics, and water due to the presence of landmines (see Landmines and UXOs in chapter 3). Rates of boys in school are among the lowest in the western region, and over two-thirds of the districts report no girls attending school, making Badghis the worst in the region for female school attendance. Overwhelmingly, this is due to lack of school facilities for boys and girls (see Education in chapter 4). In only one district in Badghis do the majority (>50 percent) of rural villages report access to comprehensive health care facilities, such as a hospital, while in half of the province the majority (>50 percent) of villages in each district report no access to any form of health care (see Health Care in chapter 4).

Provincewide, the majority of villages (>50 percent) in each district report that rural women have no role in decisions regarding selection of village leaders, household income, sale of productive or nonproductive assets, or family planning (see part I).

BALKH

Balkh is the symbolic, political, and economic center of northern Afghanistan and is home to Mazar-i-Sharif, one of the country's largest cities. The province of Balkh is named after the ancient city of the same name, which was an important center for trade and Buddhist, Persian, and Turkic culture before its destruction by Genghis Khan in the early thirteenth century. The city of Mazar-i-Sharif has great religious significance as the site of the tomb of Ali, the cousin and son-in-law of Mohammed, and thousands of pilgrims visit each year. Current population estimates place Balkh's rural population at 688,300, with an urban population of 261,300. Balkh province has an ethnically mixed population, consisting mainly of Tajiks and Uzbeks, but with sizeable minorities of Hazara, Pashtun, and Turkmen.

Balkh was spared the brunt of the fighting during the years of the war between the Soviets and the mujahideen. However, in the spring of 1997, Taliban forces moved into the northern provinces and the population of Mazar-i-Sharif rose up against their occupiers. During the fighting that occurred between May and July 1997, more than 3,000 Taliban soldiers were killed and another 3,600 were taken prisoner.[3] Factional fighting between regional warlords increased during this period, enflaming ethnic divisions between Pashtuns, Uzbeks, and Hazaras. The Taliban forces regrouped, returned, and extracted revenge on the local populations, massacring thousands of mostly Hazara civilians and capturing the city of Mazar-i-Sharif in August 1998. The Taliban were driven from Mazar by the Northern Alliance and US military forces in 2001.

Traditionally the breadbasket of the region, northern Afghanistan was hit hard by the drought that began in the late 1990s. Many people became internally displaced due to conflict and drought and internal displacement camps sprung up around Mazar-i-Sharif and other northern cities. The drought has lifted in much of the north and a bumper harvest was reported for the 2003 season.

Balkh remains highly factionalized and has experienced periods of intense fighting since the fall of the Taliban in 2001. Most of the fighting has been in villages and rural areas. Generals Atta and Dostum are the two main power-brokers in the region and maintain military power and receive support from forces and populations divided largely along ethnic lines. The well-known warlord status of powerful individuals and their involvement in local and regional conflicts and rights violations does not preclude their participation in national politics. For example, General Atta is commander of the Seventh Army Corps, which is closely affiliated with Defense Ministry Mohammad Fahim Khan. General Dostum is a security advisor to President Hamid Karzai and was previously deputy defense minister. The factional division of the province extends to the provincial administration and the public sector, affecting education, the justice system, control of police forces, and the local media.

The factional political division of the province continues to impede private sector development in Balkh. Top commanders control much of the economy

and are heavily engaged in poppy cultivation, opium smuggling, and the transportation of goods. International assistance organizations and the United Nations consider the north to be largely "secure" and these groups are heavily represented across the region. However, continued factional fighting has slowed reconstruction and development projects and some NGOs have pulled staff from certain districts.

Fighting between the forces of Dostum and Atta has calmed since the signing of a military accord in 2003, but the province has a long way to go toward stability, disarmament, and the implementation of the rule of law. The rural population continues to suffer injustice and mistreatment at the hands of commanders and government officials.[4]

Our analysis of 2003 NRVA data find that at least some rural villages in 85 percent of districts throughout Balkh province report insecurity due to conflict, with the majority (50 percent) of villages in 59 percent of districts reporting insecurity (see International versus Rural Afghan Perceptions and Experiences of Insecurity in chapter 3). In contrast, 100 percent of districts are considered secure by the United Nations. In Balkh, 23 percent of districts report lack of access to agricultural and grazing land, schools, clinics, and water due to the presence of landmines (see Landmines and UXOs in chapter 3).

Rates of boys in school are among the highest in the region, with 93 percent of districts reporting that a quarter or more of villages have boys in school. Girls' school attendance is significantly lower than boys, yet girls are attending school in 70 percent of districts (26 percent or more of villages within those districts report that girls are attending school) (see Education in chapter 4). In 31 percent of districts, the majority (>50 percent) of rural villages report that they can access comprehensive health care facilities, while in the remaining 69 percent of districts, the majority (>50 percent) of rural villages report that they can access basic health care, health posts, or a traditional healer (see Health Care in chapter 4).

Provincewide, the majority of villages (>50 percent) report that rural women have no role in decisions regarding the selection of village leaders. In 56 percent of the districts, more than 26 percent of villages in the district report that women have no role in determining the use of household income or spending decisions. In 54 percent of districts, the majority (>50 percent) of villages in the district report that women have no voice in the sale of productive assets, with 62 percent of districts reporting that in the majority (>50 percent) of villages in the districts women have no voice in the sale of nonproductive assets. In 39 percent of districts, the majority (>50 percent) of villages in the districts report women have no voice in family planning or in deciding who their children will marry (see part I).

HERAT

Herat province borders Iran and Turkmenistan in a fertile valley in western Afghanistan. The province has an estimated population of 910,700 rural and 297,300 urban people. The population is 60 percent Tajik, with a substantial Pashtun minority and a smaller number of Hazaras. The city of Herat is the economic and political hub of the western part of the country and was first settled roughly 5,000 years ago. Herat was the seat of the Timurid Empire in the fifteenth century and was a key cultural and economic stopover on the Silk Route. Many still consider Herat to be the cultural capital of Afghanistan.

Governor Ismail Khan is the central political figure in Herat and his power and influence extend into neighboring Badghis, Ghor, and Farah provinces. Ismail Khan led the 1979 mutiny against the control of the central government that eventually brought the Soviet invasion. Ismail Khan rose to political prominence in the fight against the Soviets.[5] The people of Herat province suffered heavy casualties and damage to their historic capital during the war against the Soviets. Ismail Khan maintained a prestigious and respected position among the population, and he returned to power in 1992 after the fall of the communist government. He remained in control until the city fell to the Taliban in 1995.

The educated and relatively liberal Herati society chafed under Taliban rule. Women and girls in Herat had enjoyed greater access to education and employment than in other areas of the country, but upon capturing the city the Taliban forces shut down all the schools and decreed that girls were not to study, even within their homes. The Taliban treated Herat as an occupied city, garrisoned with hardcore Pashtun Taliban from the south, and implemented social bans and *Sharia* law more firmly than in Kandahar.[6]

Ismail Khan returned to power after the Taliban were deposed in 2001 and now controls most government functions in the province. Ismail Khan controls a large number of loyal troops, which outnumber the size of the current Afghan national army. He pays his troops with funds acquired from custom revenues collected on the booming cross-border trade with Iran.[7] Security in Herat city is very good and Ismail Khan has undertaken reconstruction projects and cleaned up the city's streets and parks. Following negotiations with the Kabul government last year, Ismail Khan is meant to turn over a portion of his vast customs revenues to the central government. This has resulted in a salary cut for police and other public servants. Ismail Khan complains that it is difficult to implement construction and development projects when forced to coordinate with the ineffective bureaucracy in Kabul.[8]

Ismail Khan's control appears to be less firm in the outlying areas far from Herat city. Some respondents in these areas spoke to us of problems

with security, armed groups, and factionalized control by local commanders. Increasingly, human rights groups are raising concerns about the enforcement of conservative positions on women's mobility, employment, and education and about increasing intolerance of political dissent or civil society development.

The economy of Herat city is experiencing an economic boom fueled by the customs duties, construction, and private sector investment. Growth in the last two years has brought an increased number of homes, shops, and businesses, and the expansion of a powerful commercial community. These developments have attracted people from the rest of Afghanistan, as well as returning refugees who might have gone to other provinces. Rural areas have not experienced this boom to the same extent, and the agricultural sector continues to feel the effects of the drought.

Our analysis of 2003 NRVA data show that in 71 percent of districts throughout Herat, the majority (50 percent) of villages in those districts are reporting insecurity due to conflict. The United Nations considers parts of five districts (36 percent of districts within the province) to be insecure (see International versus Rural Afghan Perceptions and Experiences of Insecurity). In Herat, in 64 percent of districts, the majority (>50 percent) of villages in those districts report lack of access to agricultural and grazing land, schools, clinics, and water due to the presence of landmines (see Landmines and UXOs). These districts are primarily located in the western half of the province.

In 62 percent of districts, less than 25 percent of villages report that boys are attending school, with the remaining 38 percent of districts reporting that between 26 and 50 percent of villages in these districts have boys attending school. In no district do the majority (>50 percent) of villages report that boys are in school. Girls' school attendance is lower than boys, with 71 percent of districts reporting that less than 25 percent of villages have girls attending school, and 29 percent of districts reporting that 26 to 50 percent of villages have girls in school (see Education, part I). In 86 percent of districts, the majority (>50 percent) of rural villages report that they cannot access any form of health care, with the remaining 14 percent of rural districts reporting that the majority (>50 percent) of rural villages can access basic health care, health posts, or a traditional healer (see Health Care).

In 100 percent of the province, the majority of villages (>50 percent) report that rural women have no role in decisions regarding selection of village leaders.[9] In 50 percent of the districts, greater than 26 percent of villages in the district report that women have no role in determining the use of household income or spending decisions. In 93 percent of districts, the majority (>50 percent) of villages in the district report that women have no voice in the sale of productive or nonproductive assets. In 71 percent of districts, the majority

(>50 percent) of villages in the districts report women have no voice in family planning or in deciding who their children will marry (see part I).

KABUL

Kabul province is home to the capital city, but also includes extensive rural areas where people engage in livelihoods similar to those throughout rural Afghanistan. Currently, 615,900 rural and 2,829,100 urban people call Kabul province their home. Kabul's importance as a war prize means that the province has seen a great deal of fighting over the last twenty-five years. While the city suffered heavy damage, much destruction occurred in the outlying areas where warring factions razed entire villages, destroyed orchards, vineyards, and irrigation systems, and laid landmines across the rural landscape. Some of the most severe damage to Kabul province came in the civil war of the early 1990s, when inter-mujahideen fighting for the capital killed thousands and sent waves of Afghan refugees into Pakistan. The Taliban took control of the city in May 1996, following four years of civil war, and retained power in the capital until deposed by the Coalition and Northern Alliance forces in November 2001.

Today, Kabul city is characterized by rapid economic development, due largely to the influx of foreign aid, the return of exiles and refugees, the reopening of foreign embassies, and the presence of a large number of foreign workers and soldiers with money to spend. Thousands of returning refugees and internally displaced people have settled in Kabul, seeking jobs, shelter, education, and better health care, or hoping for assistance from national and international organizations. City residents now experience traffic jams, air pollution, a high cost of living, and overcrowding. Rapid economic growth has not been matched by infrastructure development and the city's dilapidated road, water, and sanitation systems are under severe strain, in turn further contributing to environmental problems and a lower standard of living. Nonetheless, Kabuli residents do enjoy better access to health care, education, and employment than Afghans in most other parts of the country.

Rural residents of Kabul province have seen more international assistance than other more remote provinces, but many respondents in our study population still complained of lack of access to schools, health care, and clean water. Housing is a major problem, due largely to the influx of returning refugees, and property disputes clog the courts. Many people in Kabul's rural districts and in nearby provinces seek seasonal or casual employment in the city, shifting rural dynamics and increasing the diversity of rural livelihood strategies.

Kabul city is the seat of the government of the Islamic State of Afghanistan. The central government consists of twenty-nine ministries that make

up the Cabinet. The *Shura-i-Nizar* party, which took control of Kabul following the fall of the Taliban, continues to wield considerable power and retains control of the Ministries of Defense and Foreign Affairs—two of the most powerful ministries. Troops loyal to *Shura-i-Nizar* patrol much of the city, even though the Bonn Agreement stipulated that these troops should be withdrawn following the arrival of International Security Assistance Forces (ISAF).[10]

Power struggles in Kabul city center around control of and influence over the central state. Likewise, local commanders seek to expand or retain control over their powerbase in the rural areas. Commanders have direct involvement in local *shuras* and *Jirgas,* court systems, and police forces, and seek to use these formal and traditional structures to exert control over local populations.

Our analysis of 2003 NRVA data find that in 93 percent of rural districts in Kabul, the majority (50 percent) of villages in those districts are reporting insecurity due to conflict (see International versus Rural Afghan Perceptions and Experiences of Insecurity). This is in contrast to the security analysis by the United Nations, which lists only part of one district (7 percent of the districts in the province) as insecure. In Kabul, in 60 percent of districts, villages report lack of access to agricultural and grazing land, schools, clinics, and water due to the presence of landmines (see Landmines and UXOs).

In 100 percent of districts, 1 to 25 percent of villages report that boys are attending school, with 13 percent of districts reporting the majority (>50 percent) of villages in the district are sending their boys to school. Girls' school attendance falls significantly behind that of boys, with 60 percent of districts reporting that 0 to 25 percent of villages have girls in school and 40 percent reporting that in 26 to 50 percent of villages girls are attending school. In no district do the majority (>50 percent) of villages report that girls are attending school (see Education). In 57 percent of districts, the majority (>50 percent) of rural villages can access basic health care, health posts, or a traditional healer. In 29 percent of districts, the majority (>50 percent) of rural villages report that they cannot access any form of health care. Finally, in 14 percent of districts the majority (>50 percent) of rural villages report that they can access comprehensive health care (see Health Care).

In 100 percent of Kabul province the majority of villages (>50 percent) report that rural women have no role in decisions regarding selection of village leaders. In 71 percent of the districts, more than 26 percent of villages in the districts report that women have no role in determining the use of household income or spending decisions. In 50 percent of districts, the majority (>50 percent) of villages in the district report that women have no voice in the sale of productive assets. In 29 percent of districts, the majority of villages in the districts report that women have no voice in the sale of nonproductive assets. In 57 percent of districts, more than 26 percent of villages in the districts report women have no voice in family planning or in deciding who their children will marry (see part I).

KANDAHAR

Kandahar province is located in the south of Afghanistan. Approximately 590,000 rural and 323,900 urban people live in Kandahar province. Kandahar city is the country's second largest city. It stands at the intersection of the Kabul-Herat road and the main road to Quetta, Pakistan, and has long been an important stopover point for traders. The southern part of the province is mostly desert and is sparsely inhabited, but Kandahar city is an oasis and the fertile land around the capital is used for agriculture. The province is famous for its fruit production, but much of the irrigation systems were mined and destroyed and many of the orchards were heavily damaged during the years of war.

The province of Kandahar suffered extensive damage during Afghanistan's wars. Fighting between the mujahideen and the Soviets was heavy in the province and most of the *jihadi* resistance groups were linked through tribal rather than ideological loyalties. This system both reflected and solidified the loose tribal- and clan-based nature of Kandahar politics. These groups turned against each other after the Soviet withdrawal, leading to lawlessness and brutal chaos in the city and throughout the province. The Taliban emerged out of this mayhem and saw themselves as purifiers able to restore peace, disarm the population, and enforce *Sharia* law. The Taliban brought stability to the region, and local residents welcomed the end to the violence and the implementation of law and order.[11] The city of Kandahar became Afghanistan's de facto capital during the Taliban regime and the province contained much of the movement's support base.

Today, political power in Kandahar remains largely determined by tribal affiliation. Local warlords and armed groups that were inactive or in exile under the Taliban have resumed their struggles for power. The large Coalition presence near the city and the resurgence of the Taliban further contribute to the militarized environment of the province. Terrorist activities in the city and attacks on Afghans and international agencies elsewhere in the province have resulted in the cessation of most UN and NGO activities and programs throughout the province.

The province of Kandahar went through a period of economic uncertainty and stagnation after the fall of the Taliban, but has since resumed economic

growth.[12] Trade with Pakistan continues to be an important part of the local economy and the construction industry has created new jobs in the city. International contractors laid the first layer of pavement on the Kabul-Kandahar road and repaired thirty-six bridges along the route by the end of 2003. The repair project, funded by USAID, has opened up trade and dramatically reduced travel time between Kandahar and Kabul.[13]

Our analysis of 2003 NRVA data show that in 23 percent of rural districts in Kandahar, the majority (>50 percent) of villages in those districts are reporting insecurity due to conflict. In contrast, the United Nations lists 100 percent of Kandahar as insecure, with all or part of 62 percent of districts in the province at the highest levels of insecurity (see International versus Rural Afghan Perceptions and Experiences of Insecurity). In Kandahar, in 31 percent of districts, villages in those districts report lack of access to agricultural and grazing land, schools, clinics, and water due to the presence of landmines (see Landmines and UXOs).

In 77 percent of districts in Kandahar, 1 to 25 percent of villages report that boys are attending school, with no districts reporting the majority (>50 percent) of villages in the district are sending their boys to school. Girls' school attendance falls behind that of boys, with 77 percent of districts reporting that 0 percent of villages have girls in school and 23 percent reporting that in 1 to 25 percent of villages girls are attending school. In no district do the majority (>50 percent) of villages report that girls are attending school (see Education). In 77 percent of districts, the majority (>50 percent) of rural villages cannot access any form of health care, with the remaining 23 percent of districts reporting that the majority (>50 percent) of rural villages can access basic health care, health posts, or a traditional healer. In no district do the majority (>50 percent) of villages report that they can access comprehensive health care (see Health Care).

Female surveyors working on the NRVA were unable to conduct work in eleven of the thirteen districts in Kandahar due to insecurity. In 100 percent of Kandahar province, the majority of villages (>50 percent) report that rural women have no role in decisions regarding the selection of village leaders.[14] In 100 percent of the districts, less than 50 percent of villages in the districts report that women have no role in determining the use of household income or spending decisions.[15] In 100 percent of districts, less than 50 percent of villages in the district report that women have no voice in the sale of productive assets. In less than 50 percent of districts, the majority of villages in the districts report that women have no voice in the sale of nonproductive assets.[16] In 100 percent of districts, the majority (>50 percent) of villages in the districts report women have no voice in family planning or in deciding who their children will marry[17] (see part I).

NANGARHAR

Nangarhar province in eastern Afghanistan is home to a large and predominately Pashtun population. It has a population of 1,004,000 rural and 101,700 urban people. The provincial capital, Jalalabad, is one of Afghanistan's major cities and has long played an important role in economic relations between Afghanistan and Pakistan. Both smuggling and legal trade routes cross the mountainous province. Nangarhar is presently one of the main areas of opium production.

Like the other eastern provinces, much of the agricultural production in Nangarhar is on irrigated land. Farms are located along riverbeds in valleys and produce a range of crops. A proportionally greater amount of the population relies on agriculture in Nangarhar than elsewhere in the country and the drought has had less devastating effects in Nangarhar than in other areas included in our study population.

Due in part to its strategic location, Nangarhar has seen a fair amount of fighting during the decades of war in the country. The eastern Pashtuns in the area are closely linked with their ethnic kin in Pakistan and are considered to be more conservative and traditional than Pashtuns elsewhere in Afghanistan. The political situation remains fractured, with various commanders and government officials competing for loyalties and seeking to influence the affairs of local councils and the judiciary.[18] The Coalition forces continue to be active in Nangarhar along the Afghanistan-Pakistan border. Many refugees have returned from Pakistan to the Nangarhar area since 2002 and local and UN officials report a rising number of disputes over property and access to land.[19]

Our analysis of 2003 NRVA data find that in 16 percent of rural districts in Nangarhar, up to 25 percent of villages in those districts are reporting insecurity due to conflict. The United Nations lists all or parts of 84 percent of districts in the province as insecure, with 63 percent of districts at the highest levels of insecurity (see International versus Rural Afghan Perceptions and Experiences of Insecurity). In Nangarhar, in 0 percent of districts, villages in those districts report lack of access to agricultural and grazing land, schools, clinics, and water due to the presence of landmines (see Landmines and UXOs).

In 95 percent of districts in Nangarhar, 1 to 25 percent of villages report that boys are attending school, with 58 percent of districts reporting the majority (>50 percent) of villages in the district are sending their boys to school. Girls' schooling falls behind that of boys, with 53 percent of districts reporting that 26 to 50 percent of villages have girls in school and 16 percent of districts reporting that the majority (>50 percent) of villages have girls attending school (see Education). In 100 percent of districts, the majority (>50 percent) of rural villages can access basic health care, health posts, or

a traditional healer. In 58 percent of districts, the majority (>50 percent) of rural villages report that they can access comprehensive health care, making Nangarhar among the best in the country for rural access to health care (see Health Care).

In 100 percent of Nangarhar province the majority of villages (>50 percent) report that rural women have no role in decisions regarding selection of village leaders. In 74 percent of the districts, the majority (>50 percent) of villages in the districts report that women have no role in determining the use of household income or spending decisions. In 89 percent of districts, the majority (>50 percent) of villages in the district report that women have no voice in the sale of productive assets. In 89 percent of districts, the majority (50 percent) of villages in the districts report that women have no voice in the sale of nonproductive assets. In 95 percent of districts, the majority (>50 percent) of villages in the districts report that women have no voice in family planning or in deciding who their children will marry (see part I).

NOTES

1. World Food Programme, *Afghanistan Countrywide Food Needs Assessment of Rural Settled Populations 2002–2003* (Kabul: World Food Programme, 2003).
2. All population figures for the six provinces discussed herein are drawn from Central Statistical Office, *Estimated Population of Afghanistan 2003–2004* (Kabul: CSO, 2003).
3. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2001), 58–59.
4. For example, during our fieldwork in Balkh during November and December 2003, the team witnessed public executions without trial of the accused, and the brutal beating of detainees by police chiefs.
5. Barnett Rubin, *The Fragmentation of Afghanistan,* 2nd ed. (New Haven: Yale University Press, 2002), 120.
6. Rashid, *Taliban,* 39.
7. Human Rights Research and Advocacy Consortium (HRRAC), *Speaking Out: Afghan Opinions on Rights and Responsibilities* (Kabul: HRRAC, November 2003), 43.
8. Interviews, Ismail Khan and other civil servants, Herat, November 2003.
9. Data on women's role in selecting village leaders is unavailable from one of the fourteen districts in Herat.
10. HRRAC, *Speaking Out,* 47.
11. Rashid, *Taliban,* chapter 1.
12. HRRAC, *Speaking Out,* 52.
13. Kathy Gannon, "Letter from Afghanistan: Road Rage," *New Yorker,* March 22, 2004.

14. Due to insecurity for Afghan women to work in rural areas of Kandahar, data on this question was only gathered in two of thirteen districts.
15. Due to insecurity for Afghan women to work in rural areas of Kandahar, data on this question was only gathered in two of thirteen districts.
16. Due to insecurity for Afghan women to work in rural areas of Kandahar, data on this question was only gathered in two of thirteen districts.
17. Due to insecurity for Afghan women to work in rural areas of Kandahar, data on this question was only gathered in two of thirteen districts.
18. Interview with UNAMA official, Jalalabad, Nangarhar, November 2003.
19. Interview, Nangarhar, November 2003.

Part I

Rural Afghans and Security

> People should live without guns. Education should be provided—where there is education, there is light and peace. We Afghans want peace, we don't want war. We are so tired of war.
>
> —Seventy-year-old Pashtun woman, Panj Wai, Kandahar, December 16, 2003

This book identifies a wide range of threats to the security of rural Afghans throughout the country, with detailed accounts from Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces. Respondents talked about specific threats to their personal safety, such as landmines, theft, and violent attacks, as well as larger threats to their communities, such as instability caused by armed political groups, commanders and their militias, or insecurity in areas where Coalition forces are active.

We found that rural Afghans are extremely concerned about security, but, in the areas where we gathered information, rural Afghans do not define security based purely on the absence of armed conflict or physical violence. Freedom from violence, bodily harm, or physical threats were important prerequisites to overall security in a given area, but these factors were only part of what determined the overall levels of security in people's lives. In fact, many people stressed the importance of human security—human rights and personal security, societal and community security, economic and resource security, and governance and political security—as key factors in determining whether they were "secure" or "insecure."

Rural people throughout Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces defined security as having access to health care, education, employment, clean drinking water, reproductive choices, political participation, good

governance, and housing. This conception of security illustrates a marked difference from the understanding of security on the part of the international community (i.e., a lack of armed attacks and fighting). It also more accurately reflects the reality of "security issues" in the lives of rural Afghans.

Both women and men in our study population described their security as being based broadly on access to services and opportunities. Women focused more broadly on human security, and said that their lives would be "secure" when they and their children had access to education, health care (especially reproductive care), and nonexploitative economic opportunities. Men were more likely to stress the importance of personal and economic security, citing threats to their physical security and the importance of jobs and of being able to provide for their families.

Our data show differences in perceptions by gender regarding security. In Badghis, Herat, Kabul, Kandahar, and Nangarhar, men consistently ranked threats to their physical security as one of their foremost concerns. This result is undoubtedly due to the greater exposure of men to public spaces and the threat posed to many men and boys during three decades of war. Men's migration for labor, at times into or through insecure areas, also affects their experiences and perceptions of security. Forced recruitment into local militia and armed groups has also been a direct physical threat for men and young boys. Collection of brush for fuel for heating and cooking and moving of livestock to pasturelands is primarily the work of men and older boys, exposing them to the threat of mines and UXOs. The participation of men in public life, including public functions and gatherings, and men's better access to news contributes to a heightened awareness among men of their security situation. Men are also primarily responsible for protecting not only their own families, but also their villages.

Women are largely confined to their homes and villages in rural Afghanistan. On an individual basis, women are therefore presumably more secure than men from violence that occurs outside the home. In contrast to men's overwhelming concerns regarding physical security, women consistently ranked poverty as their top concern. However, in questions about how to improve the security of their families and communities, women spoke extensively of the need to stop the conflict and fighting and to "take the guns away from the men" in order to build a peaceful future in Afghanistan.

Even in Kandahar and Nangarhar—areas considered insecure by the United Nations and other national and international organizations—many respondents raised nonphysical aspects in describing what was necessary for their security. Although a fifty-year-old man stated that the bombing by the Coalition forces had brought instability, he felt that the main obstacle to security was "the lack of schools in our area."[1] A woman pointed to what she felt

was an obvious connection between education and peace, "Attention should be paid to education; when people become educated there will be no war."[2] Both men and women in Kandahar expressed the importance of schools for improving security, as well as the need for jobs or better economic prospects. A man said, "We will achieve security when we have jobs and our children go to school."[3] Others said that the lack of access to health care was hindering security in their area.[4] Both men and women highlighted development-based aspects of their security—education, jobs, and health care—in regions that remain central battlegrounds in the Coalition's war on terror. The prevalence of this type of answer in Kandahar and Nangarhar points to the importance of ensuring basic rights in improving the lives, future prospects, and security among rural Afghans.

NOTES

1. Interview, Pashtun man, age 50, Daman, Kandahar, December 14, 2003.
2. Interview, Pashtun woman, age 30, Panj Wai, Kandahar, December 15, 2003.
3. Interview, Pashtun man, age 35, Daman, Kandahar, December 14, 2003.
4. Interview, Pashtun man, age 34, Panj Wai, Kandahar, December 15, 2003.

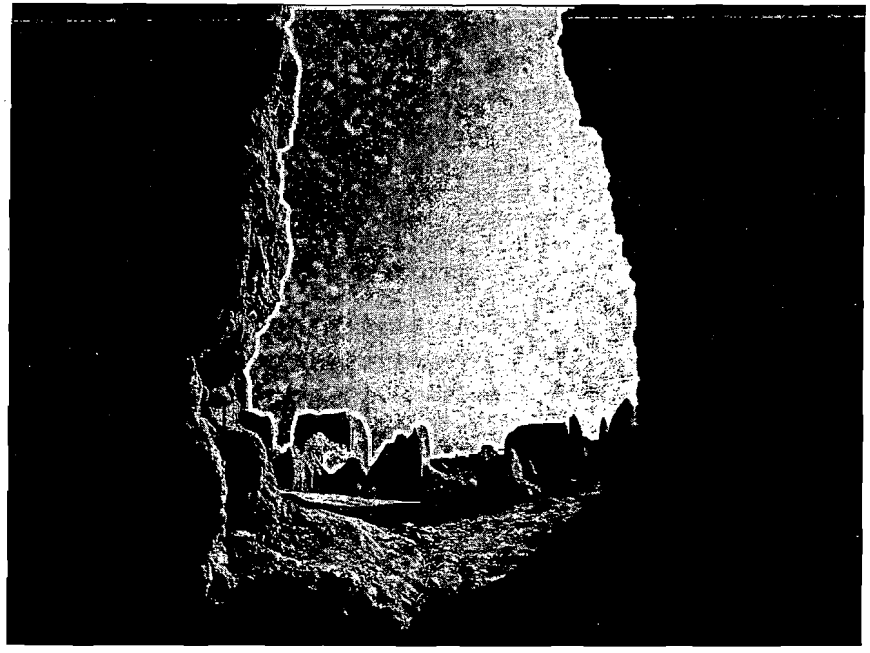

Figure 3.1. The destroyed window of a home looks out over the remains of a bombed village where only a few families remain, Kabul province. Photo by Dyan Mazurana.

3

Physical Security

This chapter details significant differences in international versus rural perceptions and experiences of security and insecurity and documents and discusses the differences between Afghan men's and women's security in particular. The chapter also discusses how security concerns play out regarding landmines and UXOs, on roads and in villages. We then examine rural men and women's views on the groups that are responsible for providing security, most notably the police and Coalition armed forces, as well as those who they say threaten their security, including warlords, drug lords, commanders, militia leaders, and criminals.

INTERNATIONAL VERSUS RURAL AFGHAN PERCEPTIONS AND EXPERIENCES OF INSECURITY

Findings:

- The dominant perception of insecurity in Afghanistan is generated by the international community and those associated with this community. This perception does not necessarily reflect the experiences and perceptions of rural Afghans, many of whom report little to no conflict in internationally designated "hot spots" and yet are experiencing high levels of insecurity in areas the United Nations designates as "secure."
- Rural Afghan women are experiencing the highest levels of human insecurity in nearly all thematic issues covered in this book. At the root of this insecurity is gender inequality—the cultural, social, economic, and political discrimination against Afghan women and the systematic failure of all

forms of official and traditional government and governance systems to protect and uphold the rights of women and girls.

Perhaps the most dramatic finding of our research was the sharp difference between the perceptions and experiences of security and insecurity of rural Afghans versus those of the international community. These views are nearly diametrically opposed on a countrywide scale. With this in mind, this research seeks to conduct a greater investigation and provide a greater understanding of security *as perceived and experienced by rural Afghans*. Rural Afghans in both our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar and the 2003 NRVA data set consistently define their well-being in terms of human security, as well as the intersections among human security, livelihoods, justice, and governance in rural Afghanistan.

Insecurity and the International Community

There are three dominant paradigms of security and insecurity in Afghanistan. The most publicly discussed paradigm is that held by the international community and, to a lesser extent, by Afghan organizations and government departments that work extensively with the international community. This first understanding of the security (or insecurity) situation is based on the number of attacks on or threats against foreigners, Coalition troops, ISAF patrols, members of the newly trained Afghan National Army and police force, expatriate UN and NGO personnel and their vehicles and property, and Afghans associated with international organizations or national NGOs.

These attacks and the insecurity that they create are extremely serious, occasionally deadly, and certainly have destabilizing effects on the programs and efforts of the Afghan government and national and international aid organizations, including the United Nations. As a result of this insecurity, UN organizations and international NGOs have withdrawn from much of the southern, south central, and eastern parts of the country, and humanitarian and development programs have been drastically scaled back or cut entirely in these areas.

UN security codes are classified as follows: "High Risk/Hostile Environment" areas are regions where humanitarian organizations should not enter; "Medium Risk/Uncertain Environment" areas are regions where humanitarian organizations can only enter with armed military or police escorts; and "Low Risk/Permissive Environment" areas are regions where humanitarian organizations may access, but are advised to use all cautionary procedures. The perception and experiences of insecurity held by the international community and their Afghan colleagues are shown in the AIMS United Nations Security Map (see map 3.1 on the book's Web page).[1]

Insecurity Reported by Rural Afghans

The second paradigm of (in)security is that of rural communities, households, and individuals throughout Afghanistan.[2] The 2003 NRVA conducted in 1,850 villages throughout the country asked the male and female village *shuras* (councils) if they had experienced any violent conflicts or insecurity in the previous year, and asked if these problems were related to land, water, or political affiliation.[3] Our analysis of the responses to these questions from the 2003 NRVA study is shown here (see map 3.2 on the book's Web page). This map is exceptional for its differences from the AIMS map: it is almost the inverse.

Rural Afghans living in many of the areas labeled "High Risk" and "Medium Risk" by the international community report little or no security problems or conflict in their daily lives.[4] On the other hand, Afghans living in many of the areas considered "Low Risk" by the UN (primarily the north, the west, and the center of the country) report high levels of insecurity and conflict. This divergence of the security maps shows that local Afghans and the international community perceive and experience "security" in very different ways.

These different perceptions of security coexist and one view does not invalidate the other, as both are accurate and realistic. As international donors and agencies on the ground realize, the threats to their physical security are very real and can be deadly. Our findings in no way imply that the international community "has it wrong" or that aid organizations should attempt to work in areas deemed insecure by the UN. As the regular and frequent attacks on international and national personnel demonstrate, carrying out programs in these areas involves great (and often unacceptable) risks to life and property. Rather, our book seeks to detail the paradigms of (in)security that are less readily discussed in the offices of Kabul, Washington, or Geneva: insecurity as perceived and experienced by rural Afghan men and women and, to a lesser extent, by girls and boys.

An underlying factor in the differing views held by those associated with the international community versus those held by rural Afghans may stem from definitions of "security" and experiences or threats of violence. For the international community, "insecurity" is calculated on the basis of risks and threats to humanitarian organizations. Threats to the security of humanitarian agencies and personnel in these areas are common and increasingly violent. Security officers tabulate the incidents of direct hostile action and credible threats and offer an assessment for where and how humanitarian organizations can operate. However, for the most part, attacks are unpredictable and very difficult to protect against. This makes "High Risk" and "Medium Risk" areas extremely insecure for internationals and their Afghan colleagues.

In contrast, rural Afghans are not being targeted by armed political groups in the ways that internationals and Afghans associated with internationals and the Afghan government are. Instead, rural Afghans face a different series of threats and insecurities. These threats may result from the weakening of defense mechanisms at the village level, where traditional social networks and institutions were disrupted by massive migration, shortages of local resources, and the rise of armed groups and warlords.

Threats against rural Afghans may be more knowable and even predictable than the threats against the international community and associates. Rural Afghans therefore make calculations to try to mitigate short-term and long-term negative outcomes from potential threats. For instance, a rural Afghan man is likely to know the political affiliation of his local leader and thus knows what he can or cannot say or do in the leader's presence. Likewise, the same man is likely to know which roads to avoid at certain times of day or night, and may know the movement of armed groups in the area.[5] A rural Afghan woman in a household or village controlled by more traditional males knows that she may be punished or abused if she leaves her house unaccompanied or uncovered. These security risks are real, and people seek to manage them using a variety of coping mechanisms, some of which are more effective or have more positive long-term effects than others. Thus, rural people in areas designated by the UN as "High Risk," "Medium Risk," and "Low Risk" face a different, and in some cases additional, set of threats when compared to international and national humanitarian workers.

There are times when the apparently divergent perceptions of security intersect. Rural Afghans who work with or are thought to have an association with international agencies occasionally find themselves caught between these two experiences of security. By associating themselves with internationals, Afghans become targets for attacks in communities where they would otherwise enjoy relative physical safety. This is particularly a problem in the south of the country.

This problem was very apparent in the work of the 2003 NRVA surveyors. In most provinces, local Afghan men and women were hired and trained to conduct interviews in rural areas. This model simply did not work in much of southern Afghanistan, as no qualified and available Afghan women wished to be associated with the government or international agencies when in rural areas.[6] The women felt that they would be placing their lives at risk. As a result, there are no 2003 NRVA data available on women for a large portion of the country. The lack of data represents the fear expressed by Afghan women when faced with working in association with the government or international agencies in certain areas, and demonstrates that insecurity for Afghan women is particularly pronounced.

Understanding Threats and Attacks to the Human Security of Rural Afghan Women

The third paradigm of security operating in Afghanistan is that of the human (in)security of rural women. As detailed throughout this book, while men report the highest rates of threats to their physical security outside of the home, it is overwhelmingly Afghan women who report the highest rates of human insecurity. In nearly every thematic issue discussed in this book—from political participation, to health, to credit, to access to justice—the human security of rural Afghan women is much lower than that of rural Afghan men. Indeed, nearly half of the major findings presented throughout this book and summarized in chapter 1 have gender inequality at their root. This gender inequality stems from the cultural, social, economic, and political discrimination against Afghan women and the widespread and systematic failure of nearly all forms of official and traditional government and governance systems to protect and uphold the rights of Afghan women and girls.

Afghanistan ranks at or near the bottom in the United Nations Development Program's Human Development Index for nearly all key indicators of human development and women's health, well-being, and rights. These indicators include maternal mortality; infant mortality; under-five-years-of-age mortality; undernourishment; life expectancy; illiteracy; access to clean water, health care, and schooling; rights to property and inheritance; and political participation.[7]

In assessing and comprehending the findings throughout this book, it is crucial that the reader have an understanding of the cultural, social, economic, and political realities affecting rural Afghan women. While these realities are detailed within the specific thematic sections, here we offer an introduction to frame these issues.

In general, the role of women in Afghanistan has always been determined by a combination of social norms and customs, familial and tribal traditions, and religion. The level of participation of women in society is susceptible to political involvement, manipulation, or restriction, and the appropriate role of women in public and private life has long been at the source of revenge killings, tribal conflicts, and the overthrow of regimes. The portent and sensitivity of the position of women in Afghan society demonstrates that Afghan women are far from insignificant in the broader political landscape.

Traditional legal and societal codes underpin the position of women in Afghan society.[8] The Koran establishes many of the basic guidelines for the position of women in traditional Islamic societies (such as status relative to men, rules of inheritance, and codes for marriage and divorce), but it is the influence of the Pashtun tribal code of *Pashtunwali* that lays out the impor-

tance of women's chastity and modesty in upholding family honor.[9] The local customs and the negative impact of decades of war (discussed below) determines the position of women in modern Afghan society, ensuring, for the most part, that women remain secluded in the private sphere and have little to no involvement in public life. In addition, the expansion of rural customs to urban areas under the Taliban and today's rigid interpretation of *Sharia* by some leaders at the village, district, provincial, and national levels help to perpetuate an ideology that limits the role and participation of women, particularly rural women, in public or civic events.

Although many policymakers in the Western world consider *Sharia* law to limit human rights and participation of women, it is important to point out that, in Afghanistan, *Sharia* often promotes more liberal interpretations of the position and role of women than do traditional and tribal codes. For instance, under *Sharia* law, women have the right to own land and to inherit some property and wealth from male relatives. These tenets of *Sharia* are rarely upheld in Afghanistan, where the control of land by men (in most cases) and lack of inheritance for women help to maintain tribal relations and patriarchal systems.[10]

According to local customs and cultures in Afghanistan, women are considered to be the symbol of a household's honor, and it is the responsibility of men to protect this honor. Consequently, today among rural Afghans the practice of *purdah*, or seclusion of women from men, is widespread. According to research by Valentine Moghadam: "The control over *purdah* lies largely with the eldest male household member. Strictly speaking, it is he who decides whether a woman can leave the compound or not. He is the one who decides whether the women in the family will attend school or will participate in training and employment."[11]

Keeping women within the home is seen as a means of protection, especially when men are absent. In the course of the last thirty years of war, armed groups increasingly targeted women, and the rise in incidents of rape, abduction, and forced marriage to soldiers or militia members led males to become more restrictive of women's mobility. While these measures may have initially been imposed (at least in part) to protect women, such developments negatively affect the rights and human security of women in the present day.

Today, as in the past, husbands or fathers usually make the decisions regarding women's movement, education, childbearing, and labor. Moghadam explains: "In most parts of Afghanistan, the husband or father of a woman decides whether she can attend school or engage in paid work outside the home, and women do not have the right to keep their wages. The money is considered to be at the disposal of the husband or father."[12] Traditionally, women used their family network to influence the role of men in the household, including aspects of control over household resources, personal attitude, and social behavior toward women. The dislocation of local institutions and the increased strain on familial networks due to decades of war and the recent drought made such interventions by male relatives on the behalf of women increasingly limited (see chapter 5, Women's Rights).

Culture and systems of governance (including the formal, traditional, and customary systems) have severely curtailed the human rights and livelihood options open to rural Afghan women and girls. It is important to recognize that these restrictions are not a recent development, but a long-standing aspect of Afghan society. There was a great deal of publicity regarding the limits on women's economic participation under the Taliban regime, but these practices should be seen as the culmination of existing practice and belief systems, as opposed to a new or foreign order imposed upon the population. Numerous human rights reports written during the Taliban era spoke of the imposition of harsh conditions for urban women. These reports, however, should not be taken to imply that rural women, in contrast to urban dwellers, had greater leniency or better conditions. Rather, these reports illustrate that many rural women were already living under conditions similar to those imposed by the Taliban, but in rural areas the codes were imposed by their husbands, families, and village leaders.[13] Aspects of these local cultures themselves were also strongly militarized.

While the end of the Taliban regime may mean many things, it does not mean an end to the violations of women's human rights or to the gender discrimination experienced by most rural Afghan women. For example, in our interviews with rural women in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, many women reported that their lives had changed little since the fall of the Taliban in regard to freedom of movement, control over their own lives, access to health or education for themselves and their children, quality of life, and income opportunities. In some cases, women report that the situation has worsened (as we discuss throughout the book). Today, mechanisms for the protection and promotion of human security for rural Afghan women are limited and, in many cases, practically nonexistent.

Rural Afghan women clearly identify the constraints to achieving the livelihoods and lives they would prefer. Overwhelmingly, countrywide, women responding to the NRVA survey identified culture as the number one constraint, followed by lack of access to employment and lack of education. Likewise, the majority of rural women we interviewed in Badghis, Herat, Kabul, Kandahar, and Nangarhar said that they were frustrated and unhappy with their current situation. These women often spoke of chafing under cultural constraints and the control imposed by husbands or village leaders. Based on this data, we are able to conclude that the cultural constraints, as

defined by women themselves, are not accepted by the majority of the rural Afghan women with whom we worked. The 2003 NRVA map on Rural Women and Labor confirms this interpretation at a countrywide level (see map 9.3 on the book's Web page).

It is a challenge to the current Afghan administration, the United Nations, the international donors, the aid community, and national organizations to act upon this information regarding rural Afghan women. If women throughout the country were to say that lack of roads and access to credit were serious constraints to their livelihoods, agencies would likely prioritize road construction or women's microcredit programs. But this is not what rural women have said; instead, they offer a much greater challenge. This book seeks to assist policymakers in responding to this challenge. Each thematic section of the book provides additional details on the ways in which rural Afghan women view the constraints to not only their livelihoods but also their fundamental human rights and human security.

In conclusion, there are sharp differences among the perceptions and experiences of security and insecurity within these three paradigms. Experiences and perceptions of security and insecurity as held by the international community and rural Afghans are nearly diametrically opposed in a number of geographic areas. Within the rural Afghan population, it is rural women who face the greatest threats to their human security. With this in mind, this research seeks to provide a greater understanding of human security *as perceived and experienced by rural Afghans.*

LANDMINES AND UXOs

Findings:

- Based on countrywide data, rural Afghans in slightly less than one-half of the country report that the presence of landmines and UXOs affects their access to schools, clinics, hospitals, agricultural land, grazing land, fuel, and water.
- Landmines and UXOs pose the greatest threat to those attempting to access grazing lands.

The presence of landmines and unexploded ordnance was one of the most commonly cited threats to security and the pursuit of livelihoods. Our analysis of 2003 NRVA data shows how landmines affect communities' access to land, water, schools, clinics, markets, and homes (see map 3.3 on the book's Web page). Importantly, these figures only show where people reported that their

Table 3.1. Rural Afghans Living among Landmines and UXOs, 2003 (in percentages)

Badghis	*Herat*	*Kabul*	*Kandahar*	*Nangarhar*
13	17	62	7	24

Note: Based on the analysis of our primary data.

access to these inputs is blocked. The figures do not illustrate where people live among mines and UXOs without reporting hindered access. Countrywide, rural Afghans reported that their access to pastureland was the most affected by these weapons, while access to schools, clinics, and markets was less affected.

The majority (>50 percent) of our study population in Badghis, Herat, Kandahar, and Nangarhar stated that landmines, antipersonnel mines, and UXOs are not present in the areas where they live. Where landmines and UXOs were present in these provinces, they did not necessarily affect people's access to livelihood inputs. However, 62 percent of rural Afghans in Kabul province reported living among these weapons and also reported high rates of negative effects on mobility and access to livelihood inputs (table 3.1). Reports of landmines and UXOs differed by region in our study population, obviously reflecting areas where past military activities were most intense.

Where landmines and UXOs are present and do impact livelihood inputs, they have the most pronounced negative impact on rural people's access to pastureland. A woman explained:

> I don't let my children take the animals out to pasture because we are very concerned about landmines. We are afraid because of the mines. My husband lost his leg to the mines. My daughter was hit by a landmine, now her arm is badly damaged. There are mines throughout the mountains and hills here where we would like to graze our animals, but now we cannot. In order for us to be secure, those mines must be removed.[14]

Households coped with the risk of landmines and UXOs in different ways. Some families in heavily mined areas kept their movements extremely constrained. A woman in Mir Bacha Kot, a former frontline district on the Shomali plain, said: "There are mines and unexploded bombs everywhere here, in the roads, orchards, vineyards, houses, even our neighbors' [now abandoned] houses. We don't let our children out at all. The district is full of mines and bombs."[15]

Others expressed the calculated risks that were necessary to meet basic needs, or explained how they tried to protect their families from this danger, even at an economic cost. One woman in Herat explained the unavoidable dangers posed by landmines: "We use bushes for heating and cooking. Since my husband cannot go out [he lost a leg during a Taliban attack on Kabul] and

I cannot go out and my two daughters are small we buy bushes from a man who goes to the mountain to collect them. But in the mountains are mines so it is not good work."[16]

SECURITY IN VILLAGES AND ON ROADS

Findings:

- The majority (>50 percent) of people in Badghis, Herat, Kabul, Kandahar, and Nangarhar felt safe in their homes, villages, and on the roads around their villages. Men reported higher rates of insecurity on roads than did women.
- Most threats to the physical security of rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar came from outside the village.
- Rural men provide physical security for their own villages, with almost no reliance on government forces or institutions for the provision of security reported by villagers in Badghis, Herat, Kabul, Kandahar, and Nangarhar.

The majority (>50 percent) of people in our research in Badghis, Herat, Kabul, Kandahar, and Nangarhar felt safe in their homes, villages, and on the roads around their villages (table 3.2). Residents in Kabul province reported the lowest levels of physical security in both villages and on the roads around the villages, while Badghis residents reported the highest levels of physical security. Women generally feel safer than men, and we hypothesize that this is largely because women rarely leave their homes or villages. The findings indicate that most of the real and perceived threats come from beyond the borders of rural Afghan villages.

Most villages we visited in Badghis, Herat, Kabul, Kandahar, and Nangarhar provide their own security, with most respondents reporting that the men of the

Table 3.2. Rural Afghans Who Do Not Feel Safe in Villages and on Roads, 2003

Province	*Do Not Feel Safe in Village (%)*	*Do Not Feel Safe on Roads around Village (%)*	*Who Keeps Village Safe*
Badghis	2	6	Men of village/village leaders
Herat	6	14	Men of the village
Kabul	14	53	Men of the village
Kandahar	13	51	Men of the village
Nangarhar	7	25	Men of the village/*shura*

Note: Based on the analysis of our primary data.

village are responsible for keeping the village inhabitants safe (table 3.2). This was especially true among the more remote villages, where villagers reported that they would come to the aid of other nearby villages if necessary. One woman in Musayi, Kabul, explained that security was not a problem because everyone in the village knew each other, "We would not call upon the police because we don't need them. Everyone in this village is related to each other, so we have good security here. There is no fighting here."[17]

Some of the rural populations living closer to the district centers said that the district authority kept their village safe, a comment rarely heard in the remote villages. No respondent in the study population in Badghis, Herat, Kabul, Kandahar, or Nangarhar said that the police kept their villages or roads safe, including those living only a few miles from police stations in district centers (see Perceptions of and Interaction with the Police, later in this chapter).

Reports of insecurity on the roads were usually two to three times more prevalent than reports of insecurity in the villages (table 3.2). Over half the study populations of Kabul and Kandahar provinces reported poor security on the roads. In Surobi, Kabul, for instance, the police said that banditry and carjacking on roads is common.[18] In an attempt to deal with this problem, the local district authority decided to make road security a priority after the fall of the Taliban in 2001. The local people, however, refused the presence of Afghan troops from outside the area at security posts, stating: "If something happens with those outside troops then maybe we will be accused of being terrorists and we will be harmed. We would rather secure this area ourselves so that we won't be blamed."[19]

The end result in Surobi, however, appears to be multiple security posts manned by different factional commanders, soldiers, and police soldiers. We heard allegations that the men at these posts were paid through gains made from extortion, smuggling, and banditry. The UN also considers the road through Surobi unsafe and humanitarian agencies that use the route travel in armed convoys.

In other locations in our research, people reported that the roads were unsafe only at night, and expressed particular concern about the occasional need to transport emergency medical cases to the hospital after hours.[20]

CRIME

Findings:

- In rural districts in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar, crimes of murder, banditry, and theft against rural Afghans often go unreported and most are left unsolved.

- In rural districts in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar, murder was among the most common crimes reported to district authorities and police chiefs. Murder cases usually involved revenge killings or disputes over land or women.

There were incidents of murder, assault, kidnapping, banditry, and theft among our study population.[21] These crimes usually went unsolved or were not prosecuted. Many respondents pointed to the role of various armed forces (i.e., militias, military, and police) in crime in some areas, including rape, assault, intimidation, kidnapping, arbitrary arrest, and physical abuse. Most of the district prosecutors and police chiefs we interviewed in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar stated that murder was the most commonly reported crime, often occurring through revenge killings or in the course of disputes over land or women.

Crime is more widespread and serious in some areas than in others. Crime appeared to be the most prevalent in areas where a number of midlevel commanders and armed political groups were vying for power. For instance, the head of the investigative unit of the police in a district in Kabul province explained that the area was essentially lawless and that banditry on the roads and attacks by militias and local commanders are major threats. He said that several murders had occurred over the last year, and that he and his men knew the identity of the murderers, but could not arrest them because the perpetrators were protected as members of armed groups. The chief prosecutor of this same district in Kabul province said that while property disputes are a serious problem in many parts of Kabul province, many property disputes in his district lead to murder, and few of these cases have been solved.[22] Many people in our study population, however, told us that there was no point in reporting a crime to the police. As a result, crime statistics compiled by district officials are likely to be artificially low.

Minor crimes often involved the theft of basic necessities or livelihood inputs. For example, one man in Mir Bacha Kot, Kabul, reported the theft of one hundred boxes of grapes and the water pump from the well,[23] and a man in Arghandab, Kandahar, had his motorbike stolen.[24] These less serious crimes are more likely to be solved at the rural level.

PERCEPTIONS OF AND INTERACTION WITH THE POLICE

Findings:

- Rural Afghans in our research in Badghis, Herat, Kabul, Kandahar, and Nangarhar do not rely on the police to provide security. Many people claim that the police are aligned with armed political groups, powerful commanders, and militias in the area and thus the police are considered to be criminals by the rural population. Even when the police are not aligned with the armed groups, rural people say that the police are unable to ensure even their own security against these predatory forces.
- Rural police forces in our research in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces were completely unequipped (at nearly all levels) to provide professional policing services to the rural populations.
- Low salaries and consistent lack or delay in paying police salaries is cited as a primary reason for police involvement in criminal activities.

This book details findings from our investigations and interviews with rural police forces in part III. Here we present our findings regarding the perceptions and interactions of rural Afghans with rural police forces.[25]

At times, our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar identified their main security problem as "the lack" of a specific presence, such as "the lack of capable and professional police" or "the lack of ISAF forces." People also pointed to the poor quality or low capacity of some of the forces that were meant to provide security; for instance, police might be present, but characterized as corrupt or inefficient. In other cases, people could identify the problem they faced—such as arbitrary arrest and detention or attacks on schools—but they lacked information on the specific actors behind these problems. The absence of clarity regarding the perpetrators or the source of the threat seems to lead to a heightened sense of insecurity for rural people.

There was no national civilian police force in Afghanistan during the decades of conflict. Most men serving as police today (estimated at fifty thousand) are "generally untrained, ill-equipped, illiterate (70–90 percent) and owe their allegiance to local warlords and militia commanders and not to the central government."[26] Our research supports this finding. We conducted interviews with police forces in rural districts throughout Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar, and found that only a small percentage of police officers had professional police training. Most were former mujahideen fighters or soldiers (see part III). Similarly, a recent United States Institute of Peace (USIP) report found that out of 3,000 police in Kandahar, only 120 had received some training, and that this was over a decade ago.[27]

The police system is extremely underresourced and nearly every station we visited lacked basics such as paper and pens for record keeping, uniforms for the police officers, communication equipment, and police vehicles for patrols to respond to emergencies, or to conduct follow-up on cases. In some areas, such as Paghman district of Kabul, the district *shura* mandated that individuals with

private cars "loan" their car to the police for three to four months at a time on a rotating basis.[28] In Jawand district of Badghis, however, no one has a car, not even the district authority, and the police have no access to vehicles.[29] Police stations and correction facilities are extremely dilapidated. No police in our research reported receiving their salaries on time, with an average delay of six months. The chief of police in Bala Murghab district in Badghis explained the obstacles his men face in performing their police duties:

> We are facing a serious lack of resources. We don't even have chairs or tables, let alone vehicles, salaries, standard forms, pens and paper that we need to do our job. Storage of weapons is also a serious problem: we have no place to store them and everyone just takes their weapons home. Our police building was destroyed during the fighting between . . . the Uzbek militias and the Taliban, so we don't have proper rooms or a building or anything.[30]

The lack of resources for rural police may be a factor in the poor quality of work or outright inability to perform police duties (although these factors may not be the primary reasons, as discussed in part III). Police are unable to travel except on foot or in shared vehicles, and people cannot call upon the police when needed due to the complete dearth of communications capacity in rural areas. If victims or claimants wish to report an incident or crime to the police they must either arrange to bring the police to their home or travel to the district center, file a claim and hope that the police eventually make a visit to conduct a follow-up investigation. As a result, many people do not involve the police in disputes or conflicts.

For the most part, rural Afghans in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar do not have confidence in their local police forces. People point to the close ties between the armed political groups in the area and the police, and highlight problems of police corruption, ineptitude, and direct involvement of the police in criminal acts. Some respondents seem to feel that the police make little if any contribution to law and order in rural society and some fear that bringing an issue to the police may result in further trouble.

A Pashtun man in Mir Bacha Kot district of Kabul explained why he would not go to the police with a problem:

> At present complaining to the police is a waste of time and puts you in extra trouble. For instance, if someone robs you and then you complain to the police, the police will tell you "Find the person who robbed you." If the victim must identify the robbers, what is the job of the police? Additionally, if the victim tells the police his suspicions then he might end up with conflict in his family or in his village.[31]

Many people in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar complained about police corruption. The central government is required to pay police salaries, but the vast majority of police interviewed in our research had experienced delays of several months or more in receiving their salaries. The Ministry of the Interior reportedly has funds to pay some police salaries, but most of the police who have received payments are stationed in Kabul city. Even if paid on time, the police receive very low salaries, with senior officers in the capital making roughly US $50 per month and patrolmen making as little as US $10 per month.[32] The chief of police in Rodat district of Nangarhar explained his own salary situation:

> Last year we received only 1,500 Afs. and that money was barely enough to buy food. Then they gave us some food with our pay. Now they are giving us 5,000 Afs., but no food and no clothing. Anyway, we are still not receiving our salaries. I am head of the police and I have not been paid for the past eight months. I saw some paper come through here last month that I signed and this is supposed to get me my pay but still I am waiting.[33]

Lack of timely payment does not lead to corruption in all cases, but low and intermittent pay is one factor contributing to a corrupt bureaucracy. The tendency toward corruption is reinforced by large amounts of money that can be made through smuggling, extortion, and trafficking. Respondents in our study population reported problems with police corruption and dishonesty and these views clearly affected their confidence in the police forces in their areas.[34] An elderly man in Kandahar spoke of some of the problems with the police: "People who join the police force should give a kind of guarantee that they are honest. . . . Those police who commit crimes should be punished and there should be no sympathy. Police salaries should be paid on time. Due to the inconsistency of salaries the police are robbing people, and this causes insecurity."[35]

Rural people are aware of the problems that arise from the low levels of training of the police forces, and some cited this as one of the deficiencies in the police forces in their areas. A man in Arghandab district of Kandahar explained: "National and regular police should be trained. . . . There should be consistent salaries for them as well, because when they do not have salaries the police pay themselves by stealing."[36]

Although corruption and extortion by police forces are significant problems, there are also numerous reports of direct police involvement in more serious crimes. For instance, Human Rights Watch has documented cases of police involvement in arbitrary arrest, rape, sexual assault, home invasions, kidnappings, torture, and ransoms levied for the release of prisoners.[37] We found several incidents of arbitrary arrest and detention of male members of

the community (but respondents are often uncertain as to whether the perpetrators are members of the police forces or of armed militias). For example, women in Musayi district of Kabul said:

> Ten days ago some [armed men] came here and rounded up twenty of our villagers. The armed men said that the men in our village were Taliban and they beat them and took them away to Kabul. They have not been returned. One man was beaten very badly the night of the arrest and left on his family's doorstep the next day. They also came to all the houses and collected guns. Some of the women tried to go to Kabul to visit their husbands and relatives but the police said that they did not know where they were being held. We have been told that they will only be released if we pay a lot of money.[38]

In areas within our research where the police were not aligned with the armed political forces that controlled the district or region within the district, the police lack all capacity and nearly all authority. In these cases, the nominal presence of the police in a district does not appear to serve as a deterrent to crime or conflict. Village residents in a district in Kabul province were shocked when we arrived in a remote village and informed us that the area had seen a number of recent murders and was so dangerous that "not even the police dare to come here."[39] This same view was apparent in another resident's response: "I would not go to the police to ask assistance from them, because they can do practically nothing. They cannot even assure their own safety."[40]

Rural Women and the Police

The perceptions and experiences of rural women regarding the police differed from those of their male counterparts. Rural women in our study populations in Badghis, Herat, Kabul, Kandahar, and Nangarhar have very little interaction with police or other public officials and were much more likely than the rural men to confuse the police with the military in the area, or to be unaware of a nearby police post or police presence.

Tellingly, when rural women in our study population were aware of the police or militias in their areas, it was primarily because their male relatives had been arrested. However, excluding women whose male relatives had not been in police custody, rural women were more likely than rural men to say that they would call upon the police if a crime was committed against them, even after saying that there were "no police in the area." This may point to women's desire for greater police presence, or optimism on the part of the women in a community that the police would be able to offer assistance if necessary.

Regardless of their desire to turn to the police, rural Afghan women are unlikely to be able to use police services to file claims or lodge complaints in an independent fashion, as strict regulations on female mobility in the public realm make it extremely difficult for rural women to access the police without the assistance of a male relative.

ARMED POLITICAL GROUPS, COMMANDERS, MILITIAS, AND SECURITY

Findings:

- The presence of armed political groups, commanders, and militias increases insecurity for rural Afghans in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces.
- Armed political groups, commanders, and militias are usually associated with or linked to the rural police and/or district authorities in these six provinces.
- Armed political groups, commanders, and militias are usually associated with provincial government authorities and provincial and regional power holders in these six provinces.
- The power and influence of these groups extends into the formal and informal justice systems in these provinces, leaving rural Afghans at the mercy of these groups and with little ability to access justice.

There is much documentation of the role of armed political groups, commanders, and militia in creating insecurity for Afghans in both urban and rural areas.[41] We had direct experience with these armed groups or had informants discuss these armed groups in every area in which we worked in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar, but the actions of these groups differed quite substantially from one area to the next (table 3.3).

In some areas, military or militia leaders have either emerged from or have become integrated into the local social, economic, and political systems. It is important to note that the presence of a "commander" does not necessarily imply instability or militia activity. For instance, in some areas people referred

Table 3.3. Rural Afghans Recently Affected by Factional Fighting or Militias, 2002–2003 (in percentages)

Badghis	*Herat*	*Kabul*	*Kandahar*	*Nangarhar*
84	25	17	60	41

Note: Based on the analysis of our primary data.

to their local village leader or a certain *shura* member as a "commander," but they reported no militia activity or conflict in the village or in their lives. In some areas, relations between the local people and a commander may differ little from the traditional patron-client relations with a *khan,* or landlord. For example, a woman in Surobi, Kabul, told the team, "The water here is controlled by commanders, but we can access it."[42]

Respondents in our research were not always clear or aware of who was behind destabilization or insecurity in their area and often simply referred to these forces as "armed groups." These "armed groups" might include police, common criminals, bandits, members of the local militias, members of the military, or renegade forces seeking to create instability. In some instances, people would refer to "armed groups" or "bandits" operating in the area at night and only later in the interview would say, "We think that the military is behind some of these attacks."[43]

In other cases, members of armed groups pose as government officials to rob villagers, as occurred in a rural village in Herat. Villagers explained that bandits had come to the village the day before we arrived. They had told the villagers that they were from the government and had come to conduct disarmament as part of the government's disarmament program. They asked everyone to give up their weapons. The armed men collected all the weapons and then took one villager aside, accused him of still holding weapons, and beat him badly in front of the rest of the villagers. Then the armed men robbed everyone in the village, which was already destitute, of all items of material value.[44]

District authorities or police chiefs often provided detailed accounts to us of insecurity caused by commanders or militias in their areas. The head of a district in Nangarhar province, for instance, talked at length about the destabilizing role of the armed political groups in his area. He reported that crime was increasing in the area and that this spike in crime rates was directly attributable to the armed groups that were "either recruited under the umbrella of the central government or were operating in affiliation with the so-called *jihadi* political groups." He continued: "Many members of these groups are involved in kidnapping wealthy people for money or are committing theft and armed burglary. In addition, they are heavily involved in cross-border illegal activities including narcotics smuggling and shipping timber to Pakistan."[45]

District officials explained that there were two types of armed groups in competition with each other in Nangarhar: those that were recruited by the central government and those that were linked to *jihadi* groups. The government-supported militias keep the border region safe from infiltration by Al-Qaeda and remnants of the Taliban, while the others are supported by the *jihadi* political parties in order to pose a challenge to the first.[46] This dynamic

illustrates factors that contribute to both security and insecurity for the rural population. On the one hand, local people are caught between politically opposed militias and are likely to experience heightened insecurity as a result. On the other hand, the presence of the militia is (purportedly) minimizing the border crossings of groups that might destabilize the area or force the hand of Coalition forces and cause upheaval in this manner.

Commanders or their militias can cause human insecurity and interfere with the livelihood strategies of a household or village. In a village in Badghis, we learned how local control by a commander can affect the human and economic security of the local residents. A thirty-two-year-old widow told the team that the head of the village was a commander "with his own force of armed men." When asked what she required in order to be secure, she said, "The head of the village must stop stealing, and there must be no robbing, and no one must bother us or our children."[47] The widow's account provides insight into the pervasive systems of impunity that begin at the level of commander or local leader. Notably, we interviewed the village leader/commander, who complained of insecurity and physical violence against himself and his men by a more powerful commander who controlled the entire valley and was backed by armed political groups in the neighboring province of Herat.[48] This finding illustrates that the chain of impunity and intimidation stretches from the village level up to the provincial or regional command.

Militia activity can also bring constraints to people's livelihoods. Many people in our study population in Kandahar, for example, discussed the militias and the need for disarmament, and some respondents made direct references to how militia activity hindered economic activity. For instance, when a man in Daman district was asked if he could access markets he replied, "No, due to the fear of armed militia we cannot leave our home."[49] In Panj Wai district of Kandahar, we were told that women could not access markets "due to insecurity and increased theft in our area."[50]

Commanders are often seen as the source of insecurity in a particular area. But the difference between security and insecurity is not always so straightforward and achieving stability may entail exchanging one type of security for another. Strong leadership (in a militarized or nonmilitarized form) can decrease conflict and boost the economy while simultaneously lowering human rights standards or limiting access to justice. For instance, the Taliban brought an end to factionalized conflict and upheaval in the south in 1994, and were welcomed by many communities as a result.[51] However, the eventual deterioration of human security under the Taliban is well documented and few would describe life under the Taliban in most of Afghanistan as "secure."

The situation in western Afghanistan illustrates the trade-off between physical security and human security. Ismail Khan has a relatively firm grip

on western Afghanistan. Open armed conflict (in most areas) is minimal, the economy is booming, the streets of the capital are clean, and many services are in working order. Most people in our study population in Herat and Badghis said there was no armed conflict in their areas, and welcomed the end of open fighting and an ability to earn a living. According to a woman in Badghis: "We are much more secure now, and [Ismail Khan] is keeping us secure. In the past, if the men tried to leave the village to find work they would be carried away to the frontline for fighting."[52]

Authorities in Herat, however, have imposed strict regulations on activities and freedoms usually associated with improved levels of human security, such as freedom of movement, freedom of assembly, and equal rights to education and employment. Women and girls are currently bearing the brunt of much of these restrictions and have increasingly limited access to education and employment. Women are increasingly harassed or arrested for allegations of immodesty or appearing in public with men and are often subject to forced virginity tests.[53] Unfortunately, this tension between physical security and human insecurity has the most profound effects on the lives of women, who have little or no recourse to justice (see part III) and face severe limitations in their lives.

ROLE OF THE COALITION FORCES AND ISAF IN SECURITY

Findings:

- Most rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar who were aware of ISAF felt that the ISAF forces were or could be a positive force for ensuring security.
- In Badghis, Herat, Kabul, Kandahar, and Nangarhar, rural women were more likely than rural men to view ISAF, the Coalition, and "the Americans" in a positive light.
- At the same time, rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar voiced strong concerns that the Coalition was killing innocent Afghan civilians in its operations. Some also said that the Coalition had put people who had "blood on their hands" into power in both the central government and southern Afghanistan.

Opinions within our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar varied as to whether the Coalition campaign had increased or decreased security in people's lives (table 3.4). Rural Afghan women in our study populations were much more likely than rural men to have positive impressions of the role of the Coalition forces and "the Americans" in particular.

Table 3.4. Rural Afghans Affected by Coalition Activities, 2002–2003 (in percentages)

Province	Total Affected by Coalition Activities	Primarily Increased Security	Both Increased and Decreased Security	Primarily Decreased Security
Badghis	10	84	0	14
Herat	11	9	9	2
Kabul	33	25	2	6
Kandahar	76	43	0	17
Nangarhar	40	30	0	7

Note: Based on the analysis of our primary data.

Differences of opinion were much narrower in regard to the presence of ISAF forces. Most respondents in our study population saw ISAF in a positive light, in particular the rural residents of Kabul province.

Although the Coalition has not been active in Badghis or Herat provinces, due to extensive kinship networks, 10 percent and 11 percent of rural residents respectively reported that they and their families had been affected by Coalition activities. While most of the population of Badghis felt that the Coalition had improved security, Herat's population was split on the positive or negative impacts of the Coalition on security. In Kabul, where the Coalition is present, 33 percent of the study population reported that Coalition activities have affected their lives, with most (25 percent) reporting an increase in security. In Kandahar, where the Coalition's southern base is located, the majority (76 percent) of the rural population has been affected by the presence and activities of the Coalition.

A number of Kandahari informants (16 percent) reported that they had been affected by the Coalition, but were unwilling to say if Coalition activities had increased or decreased their security (possibly because they felt their answers could have negative consequences for themselves and/or their families). Nonetheless, nearly half (43 percent) of the Kandahar study population who were willing to disclose the information reported that the Coalition has had a positive impact on their security situation. In Nangarhar, nearly half of the study population had been affected by the Coalition presence with most of these respondents (30 percent) reporting increased security.

Many people expressed ambivalence about the effects of the Coalition campaign—people were pleased that the Taliban had been deposed, but strongly objected to the bombing and continuing presence of foreign forces in Afghanistan.[54] This sentiment was strongest in the south and east (Kandahar and Nangarhar), where nearly all respondents who had been affected by Coalition activities commented on the killing of civilians by the Coalition

and a number knew of or had family members injured or killed. In the north, people generally viewed the Coalition as a strong stabilizing force and hoped for ISAF expansion into their area. In Herat, some people expressed disappointment that Ismail Khan had rejected the (initial) deployment of German forces and many expressed hope that international forces would disarm the armed commanders (including those of Khan).

Objections to the presence of the Coalition forces were most often in reference to specific personal experiences. For instance, a woman in Herat who had family in areas that came under Coalition attack said: "The Coalition brought bad things to people in Afghanistan. I have family in other villages where there was bombing by the Coalition. They bombed and killed people; there were parts of their bodies lying in the village. People lost their homes, their lives, and parts of their bodies."[55]

Some people referred to ongoing insecurity in areas where Coalition forces are still active. This was the case in Musayi district, south of Kabul city, where the local population reported Coalition helicopters flying extremely low over their valley. The men said that the aircraft had brought insecurity to the village by scaring the women, children, and livestock and requested we ask the Coalition forces to stop this activity. Women in the village also expressed their fear, and said that the helicopters caused particular concern for those who had lived in the area during the bombardment by the Russians.[56]

We also heard complaints about the manipulation of Coalition or ISAF forces by local Afghans attempting to create problems for other groups or to "settle" tribal, ethnic, or personal disputes. For example, a resident of one of the two Pashtun villages of Mir Bacha Kot district of Kabul said that a man from a nearby Tajik area had entered the Pashtun village and fired upon an ISAF convoy passing on the road. In the view of the Pashtun resident:

> [The Tajik villager] did this to achieve a multipurpose goal. First, he wanted to shoot at ISAF because he disagrees with the presence of foreign troops in Afghanistan. Second, he wanted to perpetuate ethnic tensions by creating the impression in ISAF that they were fired upon from a Pashtun village. As we say in Afghanistan, "With one arrow, two hunts."[57]

As it turned out, the speaker himself was in favor of the presence of ISAF, especially in the capacity of keeping peace between ethnic groups: "ISAF plays a crucial role in keeping security in Mir Bacha Kot district. If there were no ISAF I would not be able to live in Mir Bacha Kot as a Pashtun."[58]

Not surprisingly, people reported the greatest impact by the Coalition in areas where the Coalition has been the most active. This was most pronounced in Kandahar, where 76 percent of our study population reported being affected by the Coalition activities. Interestingly, while many respondents in Kandahar expressed concern and voiced resentment toward past and ongoing Coalition activity, when *directly* asked how the Coalition had affected security, more than twice as many reported *increased* security (43 percent) than reported decreased security (17 percent) due to Coalition activities. This seems to imply that while people are not necessarily happy about the presence of the Coalition in their midst, they are experiencing some positive aspects arising from Coalition activity.

The strongest criticism of the Coalition campaign in the south focused on the power shifts supported or encouraged (at least in the eyes of the respondents) by the Coalition forces. Many people in the south enjoyed relative physical and economic security under the Taliban and some were affected negatively by the Taliban's fall from power. Some respondents in the south complained about the new leaders and said that this change had brought increased insecurity to their area. Others lamented the secular ways of the current government and administration. For instance, when asked about the Coalition's impact on security, an elderly man in Panj Wai district of Kandahar responded: "They brought insecurity. During the Taliban we could travel at any time but now we cannot go out after dark. The Coalition put in power those people who do not have a space in the community and people who do not respect the Islamic regulations."[59]

A younger man in the same district also objected to the leaders who had been allowed to reclaim power after the fall of the Taliban and he held the Coalition responsible for this change: "The Coalition supported and put in power murderers who still have the blood of innocent people on their hands. Since the arrival of the Coalition, insecurity and discrimination [against Pashtuns] has significantly increased. This situation did not exist during the Taliban time."[60]

A number of people in Kandahar province claim that the Coalition created an atmosphere in which opportunistic commanders were able to reclaim the positions they had held prior to the rise of the Taliban. Many men and women in our study population in Kandahar cited insecurity due to fighting between the commanders' militia forces. One man said, "These commanders do not obey their lines of command and everyone does what he likes."[61] Another common complaint in Kandahar was the perception that the Coalition was targeting Pashtuns in particular. Some respondents linked Coalition activity to broader moves to limit Pashtun power or influence in the central government. For example, one man said, "The Coalition must stop bombardment in Pashtun areas and all ethnic groups should share power."[62] Another reported, "Pashtuns are now excluded from the government. We did not get our share according to the size of our population."[63]

The most commonly cited positive aspect of the Coalition presence in Kandahar province was its effect on minimizing open conflict between militia forces.[64] People repeatedly told us that the armed groups would fight each

other if the Coalition were to withdraw. This finding appears to contradict the reports of insecurity caused by the return of local commanders and their militia. However, this may indicate that while people are concerned about skirmishes at present, they fear worsening insecurity if the Coalition departs. Both men and women made a point of highlighting this issue. An elderly woman in Panj Wai explained the important role of the Coalition in keeping peace between the factions and the link between peace, security, and livelihoods: "If there was no Coalition there would be fighting among the different political parties. Goods would decrease in the markets and there would be food blockages, and there would be no security."[65]

People in our study populations recognized the role of the Coalition in preventing further conflict, but expressed concern about the foreign presence and link Coalition activity to rising insecurity. These seemingly contrasting perceptions led to two common and frequently mentioned solutions: disarm the militia and establish a national Afghan army in the area. The combined goals of disarmament and deployment were mentioned repeatedly and by both men and women throughout Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces.

Women's Views of the Coalition and ISAF

Overall, rural Afghan women were much more likely than rural men in Badghis, Herat, Kabul, Kandahar, and Nangarhar to speak positively about both the Coalition and ISAF. This was especially true when women discussed the Coalition activities in relation to the removal of the Taliban. Women frequently pointed to the links among improved security and better human and economic security. For instance, a woman in Paghman, Kabul, said: "The Coalition did a very good thing in removing the Taliban and increasing security. Insecurity was much greater under the Taliban. The Coalition's activities have improved life for women and improved work for men."[66]

Women talked about better overall conditions resulting from decreased fear of violence, fighting, or attacks. Improved safety for their male relatives also made substantial positive contributions to the human security of women. A woman in Musayi, Kabul, said:

> Our security is better, and now our life is better because the Taliban are gone. We are very happy that the Coalition forces came, and they brought us security. . . . Before the Coalition activity, there were people killed. And we could not sit outside the house in the field because we were afraid of the Taliban. The men were especially afraid. Security has been good since the Coalition came.[67]

A young woman in Kandahar expressed her hope that the Coalition could bring stability to the whole country, and linked this stability to improvements in services: "The Coalition should be expanded to the rest of the country. Roads should be reconstructed and education and health facilities should be provided to the people."[68]

In Kabul province, rural Afghan women in our study population were also very positive about the presence and activity of ISAF forces. Some said that they hoped for increased ISAF patrols during both the day and night in their areas.

The Role of Foreign Powers in the Governance of Afghanistan

Members of our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces expressed ambivalence about the involvement of foreign powers in Afghanistan. Foreign governments have played a major role in destabilizing the country over the last century and rural people are very aware of this. One respondent said: "To keep peace in Afghanistan, people should be united and we should not let the foreign people get involved in all these wars inside Afghanistan. These people like to tell us what to do, but what we need is to tell them to get out of our government."[69]

In contrast, some people recognized the positive aspects of the present involvement by foreign governments and donors, particularly in reference to the links between the American and Afghan governments. A woman in Paghman district of Kabul said: "America must keep putting pressure on this country for peace and must continue to have influence. If America says we must have peace, then Afghanistan will have to have peace."[70]

While some Pashtun interviewees felt they were being marginalized, non-Pashtuns argued that Pashtuns were being unjustly privileged. Some government officials we interviewed complained that particular ministers and government officials in Kabul city were able to exert unchecked power because they enjoyed American support. They claimed that these ministers and officials were using their control over government financial resources to form ethnically based political constituencies, as well as to pressure other ministries and provincial officials. Interviewees suspected that key American officials were biased toward particular factions within the Afghan government (see chapter 11, Formal Justice Systems), and said that the unbalanced American support intensified the ethnic tensions that already divide the government. Respondents argued that such developments could potentially mirror the cleavage that occurred within the Afghan government during the Soviet era, in which the government was split into two hostile camps. To illustrate, a district official explained:

> We approached the provincial authority for receiving our already past due salaries and finances to cover administrative needs. They told us that it hasn't come from Kabul yet. We then sent a delegate to Kabul [city], they informed us that

the Ministry of Finance has not released the budget. We then approached the Finance Ministry, but we are told they don't have funds. However, we know that Pashtun provinces like Kandahar have received their budget and salaries on time. It is not fair and it is also very dangerous for our country.[71]

We also heard similar complaints from provincial officials in Mazar-i-Sharif who were criticizing the "raising bar" policy of the Ministry of Finance and perceived this policy as a politically motivated tool against non-Pashtun provinces.[72]

Other people, however, were quick to point out that this influence of foreign powers could ultimately go either way for Afghanistan. A woman said: "The best way to have security is that we need not to have tension with the US people. With the US now involved here we have some security, but the US could just as easily make this place insecure for us."[73]

NOTES

1. These maps are produced on a daily basis, are only valid on the day they are produced, and are restricted. For the purposes of this book, we obtained a map that was produced during the time period around when the 2003 NRVA survey was conducted for comparative purposes. The map produced here no longer reflects the security reality on the ground in Afghanistan at any given point past the day it was created. This map was given to Tufts by USAID for use in this book. Please refer to http://www.rowman.com/ISBN/07425403224.

2. The perceptions of urban Afghans are also extremely relevant and may differ markedly from both the security concerns of the internationals and from their rural Afghan counterparts. This book focuses exclusively on rural populations, but further research on the security perceptions of the urban Afghan populations would create a more nuanced picture of security perceptions.

3. It is important to note that these choices of types of conflict on the NRVA questionnaire may not have effectively captured the sources of conflict experienced at the community level. A recent report by the International Crisis Group finds that disputes that are "family-based, frequently revolving around women" are one of the three main sources of conflict. Likewise, we were frequently told by district police chiefs, judges, and prosecutors that many of the conflicts in the district related to murder, often over a woman. The NRVA questionnaire does not consider this category, and therefore may "miss" some incidents of conflict in rural areas. See International Crisis Group (ICG), *Peacebuilding in Afghanistan,* Asia Report #64 (Kabul/Brussels: ICG, September 30, 2003), i.

4. It is possible that some conflict was "underreported" in the 2003 NRVA data and this bias in the entered data would lower the incidents of conflict as illustrated by this map. The most obvious reason for underreporting conflict in some areas was the nature of the survey and survey teams. Afghans are aware that the international community and the Afghan government consider some areas to be insecure, and also know that a low security rating decreases the likelihood of international assistance, government support, construction projects, and so on. With this in mind, *shuras* may have underreported conflict to the 2003 NRVA surveyors in some villages. However, it is highly unlikely that this underreporting would have occurred in village after village, and the map of the 2003 NRVA data shows 0 to 1 percent of villages per district reporting conflict in most of Helmand, Nimroz, Kandahar, and Nangarhar—all areas considered to be highly insecure by the UN. Likewise, while it may have been in the interest of some villages to underreport conflict as a tactic to receive food assistance, it would be counterintuitive for any districts to *overreport* conflict as a ploy to increase aid. The data as shown on figure ??, therefore, can be considered relatively accurate for all areas of the country reporting conflict.

5. Incidentally, data from our study shows that people in many areas are aware of and bothered by the presence of armed groups. Based on NRVA data, however, people in at least some of these areas (e.g., Kandahar) said they felt "secure." This illustrates that there is not necessarily *always* a connection between militia activity and security as perceived by rural Afghans.

6. Lower rates of education for women in the south and inability to work outside of the home also decreased the pool of women qualified for NRVA surveyor positions.

7. United Nations Development Programme, *Human Development Report 2003* (Oxford University Press, 2003).

8. While the position of women in Afghan society is rooted in Islamic teachings and the Koran, the Koran allows more room for interpretation and does not pass such strict judgments about the position of women. See, for instance, Wiebke Walther, *Women in Islam: From Medieval to Modern Times* (New York: Markus Wiener Publishing, 1993).

9. Asta Olesen, *Islam and Politics in Afghanistan* (Richmond, Surrey: Curzon Press, 1995), 137.

10. Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East,* 2nd ed. (Boulder: Lynne Rienner Publishers, 2003), 230.

11. Moghadam, *Modernizing Women,* 232. Importantly, in many households older women are in control of the affairs of younger women and their words often are influential on the personal conduct of men in relation with other younger female members of the family. Such practice is widely popular among non-Pashtun households.

12. Moghadam, *Modernizing Women,* 233.

13. Of course, the conditions for women in rural areas differ based on region, ethnicity, and age, among other factors. For instance, Turkmen and nomadic *kuchi* women have traditionally not worn the burka; Pashaie women have greater freedom of movement and play a greater role in physical labor, and so on. Some of these more nuanced aspects of the experiences of rural women are discussed in greater detail later in this book.

14. Interview, Tajik woman, age 30, Surobi, Kabul, November 5, 2003.

15. Interview, Tajik woman, age 38, Mir Bacha Kot, Kabul, November 3, 2003.

16. Interview, Tajik woman, age 24, Guzara, Herat, August 25, 2003.

17. Interview, Pashtun woman, age 40–50, Musayi, Kabul, November 17, 2003.

18. Interview, Head of the Investigative Unit, Surobi, Kabul, November 5, 2003.

19. Interview, Assistant to District Authority, Surobi, Kabul, November 5, 2003.
20. Interview, Tajik woman, age 65, Paghman, Kabul, October 9, 2003.
21. 2003 NRVA survey did not collect information on crime.
22. Anonymous interviews, Head of the Investigative Unit and Chief Prosecutor, Kabul province, November 5, 2003.
23. Interview, Pashtun man, age unknown, Mir Bacha Kot, November 3, 2003.
24. Interview, Pashtun man, age 46, Arghandab, Kandahar, December 14, 2003.
25. 2003 NRVA survey did not collect information on rural people's interactions with the police.
26. Laurel Miller and Robert Perito, *Establishing the Rule of Law in Afghanistan,* Draft (Washington, DC: United States Institute of Peace, 2003, permission to cite draft provided by the author), 9.
27. Miller and Perito, *Establishing the Rule of Law,* Draft, 9.
28. Interview, Abdul Jamil, Chief of Police, Paghman, Kabul, October 9, 2003.
29. Interview, Chief of Police, Jawand, Badghis, November 17, 2003.
30. Interview, Abullah Hekeem, Chief of Police, Bala Murghab, Badghis, November 19, 2003.
31. Interview, Pashtun man, age unknown, Mir Bacha Kot, November 3, 2003.
32. Miller and Perito, *Establishing the Rule of Law,* Draft, 9. The UN administers a Law and Order Trust Fund, which is meant to provide funds to cover police salaries. As of late 2003, however, the fund had received only US $11.2 million of requested US $65 million needed for two years.
33. Interview, Chief of Police, Rodat, Nangarhar, December 7, 2003.
34. For instance, as discussed in a later section, police have set up armed roadblocks in Musayi district of Kabul province and are illegally taxing people on the agricultural goods that they are taking to market. People are extremely unlikely to take their complaints to the very officers engaged in intimidation and extortion of their communities.
35. Interview, Pashtun man, age 72, Panj Wai, Kandahar, December 16, 2003.
36. Interview, Pashtun man, age 46, Arghandab, Kandahar, December 14, 2003.
37. Human Rights Watch, *"Killing You Is a Very Easy Thing for Us": Human Rights Abuses in Southeast Afghanistan*, Vol. 15, no. 5 (New York: Human Rights Watch, July 2003).
38. Interview, Pashtun woman, age 30, Musayi, Kabul, October 15, 2003.
39. Interview, three male villagers, Surobi, Kabul, November 5, 2003.
40. Interview, Pashtun man, Surobi, Kabul, November 5, 2003.
41. For instance, see inter alia Human Rights Watch, *Human Rights Abuses*; Miller and Perito, *Establishing the Rule of Law,* Draft; Kathy Gannon, "Letter from Afghanistan: Road Rage," *New Yorker,* March 22, 2004; Jonathan Goodhand, *Frontiers and Wars: A Study of the Opium Economy in Afghanistan,* Draft (London: SOAS, University of London, January 2003); International Crisis Group, *Disarmament and Reintegration in Afghanistan,* Asia Report #65 (Kabul/Brussels: ICG, September 30, 2003).
42. Interview, Tajik woman, age 20, Surobi, Kabul, November 5, 2003.
43. Interview, Tajik woman, age 65, Paghman, Kabul, October 9, 2003.
44. Interview, several village members, Guzara, Herat, August 25, 2003.
45. Interview, District Authority, Nangarhar, November 12–13, 2002.

46. Interview, District Authority, Nangarhar, November 12–13, 2002.
47. Interview, Tajik woman, age 32, Qal-i-Now, Badghis, November 21, 2003.
48. Interview, Tajik man, age 40, Qal-i-Now, Badghis, November 21, 2003.
49. Interview, Pashtun man, age 37, Daman, Kandahar, December 13, 2003.
50. Interview, Pashtun man, age 34, Panj Wai, December 15, 2003. It should be pointed out, however, that most women in rural Kandahar remain in their homes and do not access markets for cultural reasons, as well as for possible security concerns.
51. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2001), 35.
52. Interview, Tajik woman, age 40, Qal-i-Now, Badghis, November 22, 2003.
53. Human Rights Watch, *"We Want to Live as Humans": Repression of Women and Girls in Western Afghanistan,* Vol. 14, no. 11 (New York: Human Rights Watch, December 2002), 19.
54. As with all quotes in this paper, we are reporting what we were told by rural Afghans. As such, impressions and views may differ from one respondent to the next, and may at times be contradictory. Contradictory views held by rural Afghans are particularly apparent in discussions regarding the role of the Coalition forces. Afghan citizens do not all interact with the Coalition forces in the same way and a variety of past and present experiences influence the views individuals may have on the role of the Coalition.
55. Interview, Tajik woman, age 24, Guzara, Herat, August 25, 2003. We do not have data on the dates when this event occurred but we can assume it was between 2001 and 2003.
56. Interviews, Pashtun men and women, various ages, Musayi, October 16, 2003. We were later witness to one of these low levels patrols skimming the tree tops.
57. Interview, Pashtun man, age unknown, Mir Bacha Kot, Kabul, November 4, 2003.
58. Interview, Pashtun man, age unknown, Mir Bacha Kot, Kabul, November 4, 2003.
59. Interview, Pashtun man, age 72, Panj Wai, Kandahar, December 16, 2003.
60. Interview, Pashtun man, age 38, Panj Wai, Kandahar, December 15, 2003.
61. Interview, Pashtun man, age 46, Arghandab, Kandahar, December 14, 2003.
62. Interview, Pashtun man, age 50, Panj Wai, Kandahar, December 14, 2003.
63. Interview, Pashtun man, age 38, Panj Wai, Kandahar, December 15, 2003.
64. Interviews, Pashtun men ages 30–50, Daman and Panj Wai, December 13–17, 2003.
65. Interview, Pashtun woman, age 70, Panj Wai, Kandahar, December 16, 2003.
66. Interview, Tajik woman, age 65, Paghman, Kabul, October 9, 2003.
67. Interview, Pashtun woman, age 60+, Musayi, Kabul, October 17, 2003.
68. Interview, Pashtun woman, age 20, Daman, Kandahar, December 14, 2003.
69. Interview, Tajik woman, age 20, Mir Bacha Kot, Kabul, November 4, 2003.
70. Interview, Tajik woman, age 65, Paghman, Kabul, October 9, 2003.
71. Interview, district official, Guzara district, Herat, November 29, 2003.
72. Interview, Provincial Court official, Mazar-i-Sharif, December 9, 2003.
73. Interview, Tajik woman, age 38, Mir Bacha Kot, Kabul, November 3, 2003.

Figure 4.1. Two elementary school students are discussing a homework assignment on a street corner, Herat province. Photo by Neamat Nojumi.

4

Social Issues

In this chapter we investigate children's rates and experiences of attending school and why the majority of children are still not in school. We also examine in depth rural Afghan's access to and experiences of health care, including reproductive health care during pregnancy and birth, and family planning.

EDUCATION

Findings:

- Countrywide, percentages of school-age boys and girls attending school are highest in the north and northeast parts of the country, with the lowest rates in the south and south central regions.
- There are very few school-aged rural girls attending school in the south and south central parts of the country.
- Primary reasons for both rural boys and girls not attending school are lack of facilities and distance to facilities. Importantly, the distance of schools has different implications for boys and girls, as girls are often not allowed to travel as far from the village as boys. As a result, there are some cases in which girls are not allowed to attend schools that were built to accommodate both girls and boys.
- Insecurity is preventing boys and girls from attending schools in rural districts in nine provinces.
- Girls are more likely than boys to be held out of school when areas are affected by physical insecurity.

Historically, access to formal schooling in rural areas of Afghanistan has been very limited. Access to secondary education has been almost exclusively restricted to urban areas. Less than 10 percent of the Afghan population and only 2 percent of women could read and write by the early 1950s.[1] Schools began to expand after the mid-1950s and the government set up primary schools in some villages, secondary schools in some district centers, and secondary boarding schools in Kabul. King Amanullah and his wife Soraya opened the first school for girls in Kabul in the 1920s and the school (called Malalai) had enrolled 800 girls by 1928.[2] Kabul University was established in 1947 and opened to women in 1960.[3] The expansion of educational opportunities in the 1950s was largely due to the substantial increases in foreign aid flows to the country. This eventually resulted in an increase in the number of schools in rural and provincial areas. According to UNESCO, there were 580,499 students in primary school and 105,032 students in secondary school by 1985.[4] Access to education decreased in many areas under the Taliban regime, especially for girls who were prohibited from attending school.

School Availability and Quality since 2002

Rural Afghans have extremely low literacy rates and very few people in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces had attended any school. Women had much lower rates of attendance than men, with less than 10 percent of women in our total study population reporting any years of schooling and almost no women reporting secondary schooling. However, both rural men and women in our research talked about the importance of education for their children. A number listed the lack of education for their children as a primary concern. They linked their children's education to ensuring peace in Afghanistan in the future.

Following the fall of the Taliban regime in November 2001, the international community undertook a massive effort to increase access to schools throughout the country. In an operation led by UNICEF, hundreds of schools for boys and girls were refurbished or repaired and 8,500 tents were provided for temporary classrooms. Three million children, or approximately 60 percent of the school-age population, turned up for class—a much higher number than initially expected.[5]

Many in the international assistance community consider the UNICEF Back to School campaign to be one of the more successful examples of international assistance to Afghanistan. Nonetheless, some rural Afghans in certain areas we visited expressed concern about the quality of the facilities and education available, including areas where the Back to School campaign

was active. In particular, parents of children who were still attending schools in tents in late 2003 (i.e., eighteen months after the start of the campaign) expressed the most concern. At times, these parents seemed reluctant to send their children to schools that lacked complete facilities. A mother from Farsi, Herat, told us, "I am concerned about my children's education. The school is a tent; it is very hot and very far to walk."[6]

USAID has been a major contributor to the education sector. To illustrate, as of mid-March 2004, USAID reported providing funding for the construction or rehabilitation of more than two hundred primary and secondary schools and teacher training institutions, the training of 4,400 teachers, and the printing of 25 million textbooks. USAID has also supported the establishment of accelerated learning programs for students who fell behind in their education during the war, and 20,000 students are enrolled in these programs to date. USAID funding also goes to food salary supplements for 55,000 teachers and food rations as incentives for families to send their daughters to school.[7]

The government ran the majority of schools attended by rural children in our study population. However, the government is short of resources and salaries for teachers. This has contributed to significant numbers of qualified teachers leaving public education and entering the private sector, which has resulted in an older generation of teachers, mostly at or after retirement age, running overcrowded classes. Recently, the Ministry of Education was unable to pay teachers in the northern part of the country and this caused the closing down of a number of schools. In Herat province, a teacher explained: "It is very difficult to handle classes that often comprise sixty students, hold a monthly class exam, and grade sixty papers for $31 a month while working in other jobs to make a living."[8]

In more remote rural areas, the only schools available may be part of mosques. In these cases, boys go to these schools but girls are usually not allowed to attend. In many parts of the more remote districts of Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces there are no schools for girls. In these same areas, when available, the schools for boys are primarily religious and do not prepare the boys for an economically active future or to attend higher levels of schooling.

Access to Education of Rural Boys

The remote and isolated nature of many Afghan settlements means that many rural children remain unable to access educational facilities. Our analysis of 2003 NRVA data finds that the school attendance of boys from poor households is highest in the north and northeast and lowest in the southern regions (see map 4.1 on the book's Web page).

Our analysis of 2003 NRVA data also shows that lack of schools and distance from schools are the primary reasons boys from poor households who are under fourteen years of age are not in school, with the southern and central regions most affected (see map 4.2 on the book's Web page).

Similar to our analysis of 2003 NRVA data, our work in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces finds that where boys were not in school, the majority of households in the study population said that the schools were "too far away" for their children to attend, or that there were "no schools" in their area. This problem is compounded by lack of transport, poor roads, and the need of families to use all available labor in pursuit of their livelihoods.

Access to Education of Rural Girls

Our analysis of 2003 NRVA data finds that rural girls from the poor wealth group are less likely to attend school than boys from the same wealth group (see map 4.3 on the book's Web page).[9] Percentages of rural girls attending school are highest in the northeast. However, there are only a few districts countrywide where more than 50 percent of school-age girls in villages are actually attending school. School attendance for rural girls is largely nonexistent in the southern and south central regions of Afghanistan. Our analysis of 2003 NRVA data finds that, as for boys, the primary reasons girls are not in school is due to lack of schools (including schools that were not open to girls), or distance of schools (see map 4.4 on the book's Web page). Not surprisingly, the regions with the highest nonattendance rates for girls are those where the fewest schools for girls exist.

The end of the Taliban's restrictions on education for girls brought an increase in female enrollment in some areas of the country. However, barriers to education for girls continue to exist in many regions and for many families. Where schools exist, most remain segregated by gender and therefore there must either be two schools in an area (one for girls and one for boys), or the school must operate in two shifts. Furthermore, girls who were unable to attend school during the Taliban years fell behind both their male age cohorts and girls who attended private (and covert) home schools.

The vast majority of the female children of respondents we interviewed in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces were not in school. However, the majority of rural mothers and fathers said that they would be willing to send their girls to school if there were a school available for them. A mother of two girls from Farsi, Herat, explained: "I don't have an education and I don't like that. I want my daughters to have an education. My girls sometimes read in the house but they don't go to school. There is no school here for girls, only for boys. If there was a school for girls we would be very happy to send our girls to school."[10]

These results are similar to recent countrywide data from UNICEF, Afghanistan. UNICEF found that the top three barriers to girls' attendance were lack of schools for any child, distance to schools, and lack of separate schools for girls. The next tier of barriers to female education was families holding their girls out of school in order to use their domestic labor and families believing that it was unnecessary for girls to be educated.[11]

Distance from school is a greater constraint for girls than for boys. Girls do not travel as far from the home or village as do boys and, due to cultural practices, girls are usually not able to walk alone. To illustrate, we met a woman in Paghman district in Kabul who had both a son and a daughter of school age. The school was an hour's walk from the village and the son attended school during the boy's shift in the morning and came home at lunch. Girls were supposed to go to school in the afternoon, but there was no one available to walk the woman's daughter to and from school, which was deemed too far to go alone, and thus she could not attend.[12] As demonstrated above, there are far fewer schools for girls than for boys across the country, making it more difficult for remote rural families to send their girls to school.

Finally, traditional families may prefer that their girls study under female teachers, but educated female professionals in Afghanistan are more likely to live in urban than rural areas. Teaching was one of the most readily available professions for Afghan women prior to the start of the war with the Soviets,[13] but the numbers of women teachers dropped as many people left the country. The Taliban's edicts against women working or attending school brought a further decline in the number of female teachers.

Wealth Group and Education of Children among Rural Afghans

Our analysis of 2003 NRVA data finds only a few percentage points difference within wealth groups (medium, poor, very poor) for school attendance of girls compared to boys. In general, slightly more boys than girls are in school within each wealth group. The biggest differences occur *among* the wealth groups. In other words, within one district or province, wealth group has a tendency to have a greater impact on school attendance than gender; more boys from medium wealth groups attend school than do boys from poor wealth groups, and this difference is greater than between boys and girls within the same wealth group. Again, this seems to indicate that material realities (availability of resources, facilities, distance of schools, need for child labor) play a dominant role in why both boys and girls are not in school. More positively, these indicators appear to suggest that it is not primarily attitudes

against educating girls that keeps girls out of school (although in some cases they do play a role).

The relation between wealth group and education may be due to a number of factors. First, families that are better-off are less likely to require the labor of their children, thereby freeing up children to attend school. Second, wealthier households are more likely to have better access to transportation, which may result in a higher rate of attendance. Third, wealthier parents are more likely to have had exposure to education themselves, or may be engaged in livelihoods requiring a greater standard of education. These parents may in turn place greater emphasis on education for their children.

Regardless of wealth group, many respondents in our study population stressed the importance of education for the future of Afghanistan. In Kabul province, for example, people listed drought or poverty as their most pressing concern (50 percent of respondents), followed by lack of education for both boys and girls (22 percent of respondents).

Security and Education

Many families who went to Pakistan or Iran as political or economic refugees sent their children to school while outside the country. Returning families have found education to be less readily available in Afghanistan and some lamented the problems that this would create for their children, especially girls. In some cases, the lack of schools, including schools for girls, was noted as a principal reason that rural Afghan refugees to Pakistan and Iran were not returning to areas of Afghanistan.[14]

Insecurity continues to negatively affect access to education for rural Afghan children. Our analysis of 2003 NRVA data finds that insecurity prevents children from accessing schools in rural districts in Kunduz, Samangan, Nangarhar, Uruzgan, Paktika, and Kandahar provinces (see map 4.5 on the book's Web page).

Additionally, UNICEF data finds that families listed insecurity among the top reasons that they were not sending girls to school throughout Logar, Laghman, and Zabul provinces, as well as Kabul city.[15] A man from Panj Wai, Kandahar, said that poor security affected his children's access to education: "When my children go to school the militias harass them and the other children."[16]

Political, cultural, and religious restrictions or views continue to limit access to education for girls in certain areas. Fundamentalist threats are on the rise in some parts of the country and communities have found "night-letters" on their doors warning against sending girls to school. Girls' schools have been vandalized or burned in other areas.[17] For example, a fire damaged the girls' school in Musayi district, Kabul, a few weeks prior to our visit. All families withdrew their girls from the school immediately after the fire. A woman who had sent her daughters to the school before the fire explained her concerns:

> All the families and girls in the village are too scared to return to the school. We do not know why the school was burned or who burned it, and we feel that the *malek* [village leader] and the district authorities are not talking enough about this. I am concerned, because I think that it is important for my girls to go to school and have knowledge. I do think that the girls in the village will return to school sometime this year, but I do not know what it will take to make the families [in the village] feel safe enough to send the girls back.[18]

The policies of provincial governments can also limit access to education for girls and, in some cases, threaten the physical and human security of girls. For instance, school enrollment of girls in the west of the country has increased since the time of the Taliban, but high ranking Herat government officials imposed restrictions on women's mobility and girls' education after returning to power. Research by Human Rights Watch in late 2002 found that girls had to follow strict dress codes that were enforced by school officials and, in some cases, by squads of boys trained by the police. Girls were also not allowed to study music or play sports and the mixing of girls and boys for classes or studying was prohibited, including at the university level.[19] In December 2003, Herat's Department of Education declared that men were forbidden to teach women and girls, even in private classes or institutions such as university preparatory classes, English classes, computer classes, or technical courses. Many girls had been attending private courses (mostly taught by men) in an effort to make up for schooling they had missed and this restriction curtailed their equal access to educational opportunities.[20]

Notably, both male and female respondents throughout Kandahar province said that lack of schools in their area was one of the primary threats to security. A Pashtun man from Daman, Kandahar, echoed the comments of many of his neighbors when he told us, "The main obstacle for our security and the security of our children in this area is the lack of schools."[21] An older woman from Panj Wai, Kandahar, linked education to improved security: "Where there is security, there is no poverty and no lack of education."[22] When asked what should be done to bring peace to Afghanistan, a woman from Panj Wai, Kandahar, replied: "Disarmament should take place, a national army should be established, and education should be strengthened. Where there is no education there is no peace and stability. There should be schools in each corner of Afghanistan."[23]

HEALTH CARE

Findings:

- In 38 percent of rural districts countrywide, the majority of rural Afghans (>50 percent) have no access to even the most rudimentary forms of health care. The primary reasons given for the lack of access were absence of facilities and lack of transportation to reach distant facilities.
- In 62 percent of rural districts countrywide, the majority (>50 percent) of rural Afghans have access to only basic health care (defined here as health posts, basic health care centers, and traditional healers). These basic facilities often do not have well-trained personnel or adequate medical supplies or medicines.
- Less than 20 percent of rural Afghans countrywide have access to better-equipped facilities that are more likely to have trained medical professionals and medicines available.
- Access by rural Afghans to health care in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces is unequal, with men having greater access than women and children, and children having greater access than women.

According to UNICEF's recent report, *State of the World's Children, 2004,* Afghanistan ranks at the bottom for basic health indicators for countries worldwide. Afghanistan has one of the world's highest mortality rates for children under five (257 for every 1,000 live births), and only three other countries have higher rates: Sierra Leone (284), Niger (265), and Angola (260). (For comparative purposes, child mortality in the United States is eight deaths before the age of five for every 1,000 live births.)[24] Maternal mortality in Afghanistan is 1,900 out of every 100,000 live births and life expectancy is 43 years for both men and women (compared to a maternal mortality rate of 17 out of 100,000 live births and a life expectancy of 77 years in the United States).[25]

Threats to good health are numerous in Afghanistan: contaminated water; insufficient water for consumption, health, and hygiene; food shortages; lack of dietary diversity; environmental hazards such as landmines; natural hazards such as floods, avalanche, and drought; and occupational hazards such as injury on the job (see sections on Water and Security). Ailments range from widely prevalent but easily treatable micronutrient deficiencies (such as scurvy) caused by food scarcity and lack of dietary diversity, to diseases such as tuberculosis and malaria. Diarrheal disease remains a major cause of morbidity, and contributes to seasonal patterns of acute malnutrition.[26]

Health Care Systems in Afghanistan

Where they exist, most health care facilities in Afghanistan are poorly equipped to deal with the widespread and serious health problems across the country. Although the medical school at Kabul University was one of the best in Central Asia in the 1960s and 1970s, the country's medical institutions and training centers suffered serious setbacks during the years of war. These setbacks were further exacerbated under the Taliban regime when hundreds of medical professionals and medical students left the country for opportunities in Iran, Pakistan, Europe, or the United States.[27] Further restrictions by the Taliban on the medical practice of the remaining female doctors limited women's access to health care and decreased the pool of available medical practitioners. At present, health facilities are largely nonexistent in rural areas and woefully inadequate in cities. Even the major hospitals suffer from a lack of basic equipment and have rudimentary standards for sanitation and hygiene.[28]

Access to Health Care of Rural Afghans

In 2002, the Afghan Ministry of Health (MOH) worked with the NGO Management Sciences for Health (MSH) and other partners to conduct a comprehensive assessment of available health facilities, service, and access. The resulting *Afghanistan National Health Resources Assessment* (ANHRA) found that there were a total of 1,038 public health facilities (including hospitals and health centers) throughout the country and that 912 of these centers were active as of late 2002. Basic primary health service (BPHS) facilities are classified in the ANHRA as district hospitals, basic health centers, subcenters, maternal and child health clinics, and mobile clinics; these centers account for 86 percent of the active health facilities.[29] The ANHRA also found that 15 percent of districts had no health facility and that 40 percent of the basic health facilities had no female workers.

According to the ANHRA, there are significant variations among districts and regions in terms of population size to available health facility. For instance, Wardak province has one BPHS facility for every 11,800 people, while Ghor province has one BPHS facility for every 52,278 people. There are also large differences among districts in the same provinces—one district in Ghazni province has one BPHS for every 5,727 people, but another district in Ghazni has one BPHS for 145,300 residents. Overall, one-third of the districts nationwide do not have the "30,000 people to 1 BPHS" standard proposed by the MOH as a short-term goal.[30]

Our analysis of 2003 NRVA data finds that in 38 percent of the districts, the majority (>50 percent) of rural Afghan villages have no access to any form

of health care (see map 4.6 on the book's Web page). Those lacking access to health care live predominately in the northeast, southeast, south, west, and the central highlands.[31] These data also reveal that the majority (>50 percent) of rural Afghans in 62 percent of rural districts have access to only basic health care (defined here as health posts, basic health care centers, and traditional healers). These basic facilities often do not have trained personnel or adequate medical supplies or medicines.

Our analysis of 2003 NRVA data shows that the majority (>50 percent) of rural Afghans in 19 percent of rural districts are able to access medical care and medicine at hospitals or private doctors. Most of these respondents were in the eastern region or lived near to provincial urban centers, which are more likely to have better trained health professionals and (relatively) better services.

Overall, slightly over half of the respondents in our research in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces were able to access some form of health care, with the greatest access reported in Kabul province and the lowest in Badghis (table 4.1). This access, however, had many limitations. Significantly, almost no respondents reported being able to access health care within their own village, thus necessitating travel. The average time of travel to reach health care facilities was three hours, with respondents who could access health care reporting the longest travel times in the remote province of Badghis.

For those who could access some form of health care via travel, available facilities are usually of the most basic nature and were often described as being very far away, without adequate medicines, and lacking professional doctors. According to respondents in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, Afghans living in more remote areas tend to wait until their health problem has become severe before they travel to medical centers; these basic centers, however, are often not equipped to handle the more

Table 4.1. Rural Afghans Who Can and Cannot Access Health Care, 2003

Province	*Can Access Any Form of Health Care (%)*	*Average Time It Takes to Access Care*	*Cannot Access Any Form of Health Care (%)*	*Primary Reason Why You Cannot Access Health Care*
Badghis	33	4+ hours	67	No facilities; no transport
Herat	60	1–2 hours	39	No facilities; bad economics
Kabul	87	1–2 hours	13	No facilities; no transport
Kandahar	63	2–4 hours	37	No facilities; no transport
Nangarhar	43	2–4 hours	57	No facilities

Note: Based on the analysis of our primary data.

severe cases. A woman in Badghis responded: "If we have a bad sickness, this village has no car, so if it is bad the men try to carry them [to the health center], but usually they die on the way."[32] A young parent told us:

> There is no health care in this village but if we are really sick we can travel by foot to the clinic four hours away. We have lots of children so if only one is sick often we cannot go. If the child is *really* sick we go by foot at 5 am and hope to arrive by 9 am. Then we sit and wait and wait. Sometimes it is very late by the time we are seen and then we have the long walk back, sometimes in the dark with a sick child.[33]

Other rural populations from more remote locations may face a combination of long travel time and discrimination. According to one informant from a remote village:

> Last year when I went to the clinic I needed to have medicine. But the doctor there told me, "You are a mountain person. No medicine for mountain people." Other times they close the clinic early and even though it takes us so long to travel there they won't let us in and then we have no where to stay. Yes, there is a clinic, but it really is too far and the doctor does not like to treat us.[34]

In Badghis and Nangarhar, the majority (>50 percent) of our study population could not access health care, with over 35 percent of the study population of Herat and Kandahar unable to access health care. The lack of health facilities within a reasonable distance and lack of transport to existing health facilities were the main reasons preventing access to health care. Distance from health facilities, and especially emergency health facilities, is a particular problem when there are emergencies. Distance is a limiting factor for both men and women, but has a greater effect on women as they are unable to travel far from their villages, especially alone or with a sick child.

Time required to access health care facilities differs greatly depending on the region, the type of terrain, and the mode of travel. Many people who did have some access to health care expressed concern over their inability to reach a doctor (relatively) quickly in the case of an emergency. Hospitals with trauma care facilities are situated in the urban centers, and very few people own vehicles in the rural areas. Hiring a vehicle—even for emergency purposes—can be extremely costly.

Some people also expressed fear of security on the roads after dark and worried about the possible need to transport a relative to a health care facility at night. To illustrate, we met a woman in Paghman district near Kabul city whose son had been carjacked as he drove from the city to the district. She felt the roads in the area were extremely unsafe at night, and said: "Some-

times we have to take a sick person to the hospital at night and we are very afraid. . . . Insecurity prevents us from getting assistance if someone goes into labor and is in need at night."[35]

Within Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces access to health care among villagers is unequal among men, women, boys, and girls. Access to transport and ability to travel was the primary reason for unequal access, with travel for women and children more restricted than travel for men, and travel for women more restricted than travel for children.

Women's Access to Health Care

Culture and politics influence female access to medical services. Under the Taliban, for instance, many women doctors were prohibited from practicing medicine in most facilities and women were only allowed to use one designated hospital in Kabul.[36] Female patients were required to go to a female physician, or to be accompanied by *mahram* (a close male relative) if it was necessary to see a male doctor. Women were to wear full Islamic covering when visiting a male physician and the physician was allowed to touch only the affected part of the woman.[37] Some of the prohibitions on women's health care were later reversed, but restrictions on female mobility made it difficult for many women to access health care under the Taliban.

Culture continues to regulate women's access to health care in parts of Afghanistan today. For instance, rural women in Kandahar reported that they could *only* see female doctors, which was confirmed by male respondents in Kandahar. A number of female informants in Badghis, Herat, Kabul, and Nangarhar reported that while they could see either a male or female health care provider for basic care, for reproductive care they could *only* go to a woman. Thus, the fact that the majority of rural health clinics have no female care providers means that rural women do not have access to reproductive health care. A Tajik mother of four young children in Kabul province told us: "The doctors that are men do not do me any good. Doctors *must* be women; otherwise, we cannot go to them, especially if we need help when we are pregnant or for reproductive care."[38]

Women are also reluctant to talk to male doctors about their sexual health or concerns. A woman in rural Kabul province explained, "We would like a woman doctor to be in the village, because we cannot talk to men about female diseases or pregnancy."[39] In many areas, however, particularly where women were highly concerned about the lack of medical care, women stated that either a male or female doctor was acceptable, and that they simply wanted some form of accessible health care. A woman in a remote area of Badghis province said: "If we are sick we are going to die, because there is no doctor here and no doctor comes to us. . . . Last year five women died giving birth and our village is not so many families. We are dying because there is no doctor to help us."[40]

Changes in Access to Health Care for Rural Afghans, 2002–2003

A small percentage of our study population reported that their access to health care had improved since 2002, ranging from 15 percent reporting improved access in Kabul province to 4 percent reporting improved access in Badghis. The main reasons for improvement were better facilities, including better or more doctors, and greater availability of medicines. In both Paghman and Musayi districts in Kabul province, we were told of clinics that now had better doctors and better medicines, and people were very pleased about these developments.[41] Similarly, worsening access to medical care was most often due to the departure of doctors or the inability of a clinic to provide basic care. In some cases, female respondents said that their access to care worsened when a female doctor left the facility. A woman in Musayi explained: "Last year there was an [Afghan] female doctor for women, but she said that she could not live here because it was too dirty and not healthy, and she left."[42]

International Assistance and Health Care

International donors are aware of the health care crisis in Afghanistan and have taken steps toward improving the situation in recent years. Working under the leadership of the Ministry of Health, donors are developing programs that focus on rural areas and improved health care and health access for women. Particular attention is given to areas that do not yet meet the standard of 30,000 residents to one BPHS facility. USAID is a major contributor to the REACH program (Rural Expansion of Afghanistan's Community-Based Healthcare) run with the Ministry of Health. This program trains teams of community health workers to provide basic medical services and education in underserviced rural areas. USAID has also provided funding for the renovation or construction of four hundred health centers in rural areas and has made grants to NGOs to operate these clinics. On the macrolevel, USAID and other international donors are working to build capacity within the Ministry of Health at the national, provincial, and district levels.

Efforts by international donors to improve the quality of and access to health care for rural and urban Afghans have had substantial impacts in certain areas and for certain individuals. As stressed throughout this book, many of the problems in Afghanistan are the result of years of war, systematic

inequalities, and underdevelopment. These trends are perhaps nowhere more apparent than in the poor status of health care and the high rates of morbidity and mortality of rural Afghans, especially rural women. These problems will require long-term commitment and funding and thus necessitate a continuation of the present efforts on the part of the Afghan government and the international community to build local capacity, increase community involvement in health care, and expand basis services to rural areas.

REPRODUCTIVE HEALTH CARE, CARE DURING PREGNANCY AND BIRTH, AND FAMILY PLANNING

Findings:

- Nearly half of rural populations in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces report that rural women have no access to reproductive health care or care during pregnancy or birth.
- Of the percentage of women in Badghis, Herat, Kandahar, and Nangarhar who could access reproductive health care, the majority reported that the care available was of poor quality.
- Countrywide, slightly over half of rural women are attended by traditional birth attendants when giving birth, although the quality of these attendants varies greatly.

A typical rural Afghan woman marries young and has many children. Countrywide, 16 percent of girls are married under the age of fifteen, while 52 percent are married by the time they turn eighteen years old.[43] In our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar the average number of live births was eight per woman, with a range of zero to seventeen live births. Many Afghan children die in infancy or early childhood. The average woman in our research saw the death of two of her children in these early years, with a range of zero to twelve children dead in infancy or early childhood.

A recent report by UNICEF on global indicators estimates that 1,900 women die for every 100,000 births in Afghanistan. Other Afghanistan-specific studies provide a more nuanced picture of these statistics. For instance, a 2002 study conducted by UNICEF, the U.S. Centers for Disease Control and Prevention (CDC), and the Afghan Ministry of Public Health (now the Ministry of Health) estimates Afghanistan's maternal mortality rate (MMR) to be 1,600 for every 100,000 live births and shows extreme discrepancies from one part of the country to the next, as well as between urban and rural areas. To illustrate, in Kabul city the MMR was only 400, but rose to 2,200

Table 4.2. Rural Afghans Who Can and Cannot Access Reproductive Health Care, 2003

Province	*Cannot Access Reproductive Health Care (%)*	*Cannot Access Care during Pregnancy/ Birth (%)*	*Can Access Reproductive Health Care (%)*	*Quality of Reproductive Health Care*
Badghis	78	90	22	Poor
Herat	59	34	39	Poor
Kabul[a]	75	75	25	Good
Kandahar	46	29	53	Poor
Nangarhar	43	34	57	Poor

Note: Based on the analysis of our primary data.
[a]Other studies indicate that women in Kabul have much greater access to reproductive care than in other provinces, as Kabul has more advance medical care and at least one functioning maternity hospital. It is not always clear, however, if these studies are looking strictly at the rural population, or if they combine rural and urban samples. Our study was strictly rural, and included villages close to the city in Paghman district as well as extremely remote villages in the insecure Surobi district where health care facilities were reportedly unavailable. Of course, it is also possible that this number is inflated, and that respondents may have meant that women "did not give birth in a hospital," but in fact women were able to access reproductive care.

in Kandahar. The rural and remote province of Badakhshan had a MMR of 6,500—the highest maternal mortality rate ever reported globally.[44]

According to our data, there is a marked difference between the number of people who were able to access *some* form of general health care and the number of women who were able to access reproductive care.[45] We found that the majority (>50 percent) of rural Afghans in Badghis, Herat, and Kabul, and just under half of rural Afghans in Kandahar and Nangarhar reported that women had no access to reproductive health care or care during pregnancy or birth (table 4.2).

Importantly, for those who are able to access reproductive health care, they overwhelmingly reported that the quality of the care is poor. The women able to access reproductive care in Kabul province were able to travel into Kabul city, which has relatively better health care facilities, including those for reproductive care, and thus report having access to better quality reproductive care than their counterparts in the other four provinces.

A main factor influencing a woman's access to quality reproductive care is proximity to an urban center, as clearly demonstrated by the results from Kabul province. Rural women have little or no access to reproductive services, as these services simply do not exist in rural areas. To illustrate, the majority (>50 percent) of rural women we interviewed living within a 45-minute car drive or less of Herat said they had access to reproductive care, whereas women in the more remote districts throughout Badghis, Herat, Kabul, and Kandahar provinces reported no access.

While most rural Afghan women do not receive professional health care during pregnancy or birth, our analysis of 2003 NRVA data finds that slightly over half of rural districts have traditional birth attendants who attend to women when they give birth (see map 4.7 on the book's Web page). The most recent Multiple Indicator Cluster Survey (MICS) by UNICEF and the Afghan government's Central Statistics Office finds that of attended births in rural areas, 93 percent are conducted by people with no training.[46]

Training and capability of birth attendants varies widely, but most have no training, with a number of women in our study population referring to "the old woman" in the village as the one who helps deliver babies. In some villages, traditional birthing attendants have been trained by NGOs in minimum standards for hygiene and birthing assistance, but in many other places the birthing attendant is simply a woman, often elderly, who has traditionally sat with women in labor. Rural women in the northeast, central east, and eastern regions of the country are among the least likely to have a birth attendant present.

The findings from our research and data from the 2003 NRVA on traditional birth attendants are supported by a 2002 study on maternal mortality conducted by UNICEF, the CDC, and the then Ministry of Public Health (MOPH). The UNICEF/CDC/MOPH study helps to provide context for some of the problems that women face in accessing health care during pregnancy, labor, and delivery, and touches on many of the problems with emergency care, transportation, and quality of care discussed above.

The UNICEF/CDC/MOPH study divides the barriers to health care for pregnant women into three categories. The first category includes a failure to recognize the existence of a problem with the pregnancy, labor, or delivery compounded by a lack of decision-making ability to address a problem once it had been recognized. The second set of barriers includes an inability to reach health care facilities once a decision had been taken to access care, either because the care was not affordable or because emergency transportation was unavailable. The third set of barriers is due to not receiving quality or timely treatment.[47] The study found that 70 percent of women who died due to complications in pregnancy or childbirth had experienced barriers to health care at all three of these levels. Yet, 87 percent of maternal deaths studied were considered preventable.[48] The narratives of rural Afghan participants in our research in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces affirmed the existence of all of these types of barriers in their ability to access health care for pregnancy, labor, and delivery.

Current programs by the Ministry of Health and international donors seek to take these barriers to reproductive health care for women into account. The REACH program includes training on safe motherhood and targets women in an effort to increase female access to health care. USAID has also provided funding for obstetrics centers, and is setting up programs to train community midwives.[49]

Rural Afghan Women and Family Planning

Our analysis of 2003 NRVA data finds that the majority (>50 percent) of rural women have no voice or role in family planning decisions, including how many children they will have and the spacing of children (see map 4.8 on the book's Web page). Although data is missing from the southern regions of the country it is reasonable to assume—given other indicators of women's status in these areas—that women in the south also have little to no control over the timing or number of their pregnancies and children.

High birth rates, poverty, the risk of maternal mortality, and high child mortality place great physical, emotional, and financial strain on large rural Afghan families. Yet, rural women and men have little if any access to birth control. We discovered that among the rural women in Badghis, Herat, Kabul, Kandahar, and Nangarhar interest in birth control is very high, and the women researchers on the team were repeatedly asked (during interviews) to provide any information on birth control medication, methods, or means of access. A woman interjected in an interview to ask: "Is there a type of medicine that we can take to stop us from having babies? Both of us [gesturing to her father's second wife] have had too many babies and we want to stop."

Many women said that their husbands would support their use of birth control. A pregnant mother of nine said:

> I wish to have some medicines to prevent more pregnancies. Pregnancies are a big problem and too many children are also a big problem. My husband agrees and wants me to go to a doctor to see if he can give me medicine to make me stop having more children. The doctor needs money but we don't have any money so I cannot get the help I need.

Access to free, safe, reliable, and consistent birth control in rural areas is a critical step in improving women's health and well-being and lowering rates of maternal and infant mortality in Afghanistan.

In recognition of this critical need, the MOH basic package of health services includes a variety of family planning methods. Community health workers under the REACH program will be providing contraception for women in rural areas. However, given rural Afghan women's self-reported lack of voice or power in issues of family planning countrywide, these programs will need to find ways to work within communities and families to enable women to make use of these resources.

Through its implementing partner Population Services International (PSI), USAID has recently implemented a social marketing program to provide condoms throughout the country. In order to limit potentially adverse reactions from conservative communities, the program was launched with minimal advertising, but still resulted in condom sales of 100,000 in the first three weeks.[50]

NOTES

1. Barnett Rubin, *The Fragmentation of Afghanistan,* 2nd ed. (New Haven: Yale University Press, 2002), 70.
2. International Crisis Group (ICG), *Afghanistan: Women and Reconstruction,* Asia Report #48 (Kabul/Brussels: ICG, March 2003), 3. Malalai school for girls was later shut down in the face of opposition to Amanullah's reforms.
3. Rubin, *The Fragmentation of Afghanistan,* 69.
4. United Nations Educational, Scientific, and Cultural Organization, *Statistical Yearbook, 1985* (Paris: UNESCO, 1985).
5. United Nations Children's Fund, *Afghanistan—Country in Crisis—UNICEF in Action,* http://www.unicef.org/emerg/afghanistan/index_action.html.
6. Interview, Tajik woman, age 50, Farsi, Herat, August 26, 2003.
7. USAID, *USAID Assistance: Afghanistan, March 12, 2004, Program Summary.* For more information, go to www.usaid.gov/afghanistan/. We did not seek to evaluate USAID programs, and we offer information here as provided by USAID.
8. Interview, Department of Education, Guzara district, Herat, November 29, 2003.
9. For a discussions of the NRVA use of wealth groups, see the Methods section of the Introduction.
10. Interview, Tajik woman, age unknown, Farsi, Herat, August 26, 2003.
11. Data from UNICEF provided to authors by Nadia Behboodi, Assistant Project Officer, UNICEF, Kabul, October 21, 2003.
12. Interview, Tajik woman, age 27, Paghman, Kabul, October 12, 2003.
13. Rubin, *The Fragmentation of Afghanistan,* 79.
14. Interview, District Authority, Surobi, Kabul, November 5, 2003.
15. Data from UNICEF provided to authors by Nadia Behboodi, Assistant Project Officer, UNICEF, Kabul, October 21, 2003.
16. Interview, Pashtun man, age 68, Panj Wai, Kandahar, December 13, 2003.
17. Incidents of arson and vandalism have been aimed at boys' schools as well as girls' schools. Except in cases with clear corroborative evidence, it is difficult to know if attacks on schools are meant to send a message that girls (or boys) should not be educated, or if schools are targeted to express dissatisfaction with the government or government policies. Schools are the only symbol of government power in some areas, and thus it is difficult to ascertain motives for damage to school buildings. Interview, UNICEF official, Kabul, October 21, 2003.
18. Interview, Pashtun woman, age 25, Musayi, Kabul, October 16, 2003.

19. Human Rights Watch, *Repression of Women and Girls,* 42–43.
20. Human Rights Watch, *New Limits on Female Education in Afghanistan,* Press Release, January 16, 2003, available at www.hrw.org/press/2003/01/afghan0116.htm.
21. Interview, Pashtun man, age 35, Daman, Kandahar, December 14, 2003.
22. Interview, Pashtun woman, age 50, Panj Wai, Kandahar, December 15, 2003.
23. Interview, Pashtun woman, age 28, Panj Wai, Kandahar, December 17, 2003.
24. United Nations Children's Fund, *State of the World's Children, 2004—Girls, Education, and Development* (UNICEF, 2003), table 1.
25. UNICEF, *State of the World's Children, 2004,* table 1, table 8.
26. Annalies Borrel, UNICEF/MOH, personal communication, February 13, 2004. Improved nutrition and access to nutritional foods are extremely important to the health and human security of Afghans, but a discussion of the nutritional situation and the work on nutrition in Afghanistan is beyond the scope of this book.
27. The Taliban converted the medical school building and facilities at Kabul University into a high security detention center where detainees suffered brutal torture. A professor who was a former detainee at the facility told us that he had trouble lecturing in the building because of his horrible memories of his imprisonment. Interview, Kabul university professor, Kabul, November 25, 2003.
28. A brief anecdote drawn from the experiences of our team helps to illustrate conditions in the urban hospitals. After taking two seriously injured Afghan men to one of Kabul city's major hospitals (not a hospital funded by USAID), we watched the medical personnel wash the victims' wounds with water from a plastic bucket that was already bloodied from another patient. The medical personnel then handed the bloody and tissue-filled water to the Afghan Tufts team member and told him to pour it down the common sink and refill it for continued washing. No member of the medical team wore gloves and all injured and bleeding patients in the room were washed with the same water and cloth.
29. Transitional Islamic Government of Afghanistan Ministry of Health and Management Sciences for Health (MSH), *Afghanistan National Health Resources Assessment (ANHRA)* (Kabul: Ministry of Health, December 2002), 16–17.
30. Ministry of Health and MSH, *ANHRA,* 17.
31. It is important to stress that both the NRVA and the Tufts studies examine *only rural populations.* Other recent reports, such as *Speaking Out* by the Human Rights Research and Advocacy Consortium (HRRAC), report high rates of positive change in accessing health care. The HRRAC study, however, combines rural and urban respondents, and interviewed more people in urban than rural areas. Access to health care is better in cities, as cities usually have hospitals, reproductive care facilities, professional health staff, private doctors, and pharmacies. Very few rural villagers have similar levels of care.
32. Interview, Tajik woman, age 30, Qal-i-Now, Badghis, November 21, 2003.
33. Interview, Pashtun woman, age 30, Mir Bacha Kot, Kabul, November 4, 2003.
34. Interview, Tajik woman, age 20, Surobi, Kabul, November 5, 2003.
35. Interview, Tajik woman, age 65, Paghman, Kabul, October 9, 2003. A number of reports substantiate that Paghman district is insecure due to the presence of armed political groups and bandits.

36. Zohra Rasekh et al., "Women's Health and Human Rights in Afghanistan," *Journal of the American Medical Association* 280, no. 5 (August 1998): 451.

37. Human Rights Watch, *Humanity Denied: Systematic Violations of Women's Rights in Afghanistan*, Vol. 13, no. 5 (New York: Human Rights Watch, October 2001), 23.

38. Interview, Tajik woman, age 30, Mir Bacha Kot, November 4, 2003.

39. Interview, elderly Pashtun woman, Musayi, Kabul, October 15, 2003.

40. Interview, Tajik woman, age 30, Qal-i-Now, Badghis, November 21, 2003.

41. These clinics may have benefited from international assistance, but our respondents did not have answers to these more specific questions.

42. Interview, elderly Pashtun woman, October 15, 2003.

43. UNICEF data provided to our team by Nadia Behboodi, Assistant Project Officer, UNICEF, Kabul, Afghanistan, October 21, 2003.

44. Afghan Ministry of Public Health, U.S. Centers for Disease Control and Prevention, and UNICEF, *Maternal Mortality in Afghanistan: Magnitude, Causes, Risk Factors and Preventability Summary Findings,* November 2002, 5. The study was conducted in four provinces (Kabul, Laghman, Kandahar, and Badakhshan). The lower rates of MMR in Kabul (400) and Laghman (800) may have influenced the lower countrywide figure of 1,600.

45. We asked both women and men about their access to reproductive care. However, all the men discussed reproductive care for women, and did not raise the issue of reproductive care for themselves.

46. UNICEF and Afghanistan Transitional Authority Central Statistics Office, *Moving Beyond 2 Decades of War: Progress of Provinces*, Multiple Indicator Cluster Survey, 2003 (Kabul: UNICEF, forthcoming), 6.

47. Ministry of Public Health, U.S. Centers for Disease Control and Prevention, and UNICEF, *Maternal Mortality,* 4.

48. Ministry of Public Health, U.S. Centers for Disease Control and Prevention, and UNICEF, *Maternal Mortality,* 6.

49. Gary Cook, USAID/ANE, personal communication, March 16, 2004; USAID, "Rebuilding Afghanistan: Weekly Activity Update for July 31–August 6, 2003, Issue 24."

50. USAID, "Rebuilding Afghanistan: Weekly Activity Update for December 29, 2003–January 8, 2004, Issue 42."

Figure 5.1. A mother and her two daughters-in-law talk with the authors about their views on local politics, Herat province. Photo by Dyan Mazurana.

5

Women's Rights

In chapter 5 we investigate in depth the state of rural women's rights in Afghanistan. We look at rural women's participation in political and civil life, as well as the key factors that impede their full participation and citizenship. We examine the implications of women's blocked access to political and civil participation, with a particular focus on rights awareness, the 2004 Constitution, and the presidential elections. Finally, we shift our focus to the household and look to see where women have decision-making power within their own homes and families.

WOMEN'S PARTICIPATION IN POLITICAL AND CIVIL LIFE IN RURAL AFGHANISTAN

Finding:

- Countrywide, rural women essentially have no voice in selecting village leaders, members of *shuras* or *Jirgas* at the village or district level, or any other traditional body claiming to be representative. The idea that these fora do or can effectively represent women is sharply called into question.

- Political, social, and economic participation differs for urban and rural women. The quest for modernization by Afghan leaders in the twentieth century had noteworthy but often short-lived and largely cosmetic impacts on the role and position of mostly Kabuli women. Several heads of state used the position of women in Afghan society as a proxy to push for wider political and religious reforms. For example, in his drive to create a modern state

in the 1920s, King Amanullah promoted education of girls, began a public campaign against the veil, banned child marriage, required a man to seek permission before taking a second wife, and declared Western dress mandatory in Kabul. Amanullah's attempts at liberalizing codes and legislation regarding women led to revolts in rural areas and strong opposition from the traditional clergy, and eventually led to his downfall in 1929.[1]

No ruler again attempted to make reforms regarding women until the 1950s. In 1959, President Daoud declared the veil optional for women in an attempt to confront the power of the tribal and religious authorities. Protests were repressed and some traditional leaders were imprisoned.[2] Such reforms, however, were widely resented in the rural areas and often became a rallying point for revolutionary sentiment. However, urban Afghan women had achieved limited political and social rights by the 1960s. Afghanistan sent its first female delegate to the United Nations in New York in the 1950s and women voted in elections in 1965.[3] A few women were in high political positions (such as the post of minister of public health from 1965 to 1969) and upper- and middle-class urban women found jobs in education or health care.[4]

The next wave of centralized and sustained efforts to liberalize family laws, expand education, and allow women greater political participation came with the Saur Revolution of 1978 in which the People's Democratic Party of Afghanistan (PDPA) seized power under the leadership of President Taraki. The PDPA introduced sweeping social reforms and tried to push these measures upon a population that remained predominately rural and traditional. Measures included land reform, the abolition of rural debt, and forced literacy programs in villages for men, women, and children. The most controversial measures, however, seemed to be Decree number 7, which sought to fundamentally change the institution of marriage and the role of women in Afghan society. Among other things, Decree number 7 stated that no women or girl could be exchanged in marriage for cash or commodities, set the legal marriage age at sixteen for girls and eighteen for boys, and said that marriage was to take place only with the full consent of both parties involved.[5] The nature and pace of these reforms proved disastrous for the PDPA and led to revolts, crackdowns, refugee flows, schisms and violence, including within the PDPA itself, and eventually the Soviet invasion and American support for the mujahideen movement.[6]

Reforms did continue during the war years, though at a slower pace, and urban women, particularly in Kabul, had achieved great gains in access to education and employment by the 1990s. Some schools were coeducational and women made up 70 percent of teachers, 50 percent of the civil servants, and 40 percent of the capital's physicians.[7] While much changed for urban women during the Taliban rule, most rural women had long lacked these freedoms, and have struggled to access the most basic and essential rights.

Rural Women and the Selection and Role of Local Leadership

Today, rural Afghan women countrywide play virtually no role in selecting local leaders and have no or extremely limited involvement in decision making in their villages, communities, and homes.

Our analysis of 2003 NRVA data shows that the majority (>50 percent) of village respondents report that rural Afghan women have no voice in selecting village, area, or district leaders or any other form of public official (see map 5.1 on the book's Web page).

Likewise, our data show that in nearly all instances rural Afghan women in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces are barred from participating in the selection of any leadership that formally or informally represents them, including village leaders, *shuras*, *Jirgas*, members to select *Jirga* (council) representatives, or the *Jirga* representatives themselves. In Badghis, Kandahar, and Nangarhar, 100 percent of both men and women respondents said that no women participated in selecting village leaders. In Herat and Kabul, over 95 percent of both male and female respondents said that women had no role in selecting village leadership. When asked about helping to maintain systems of justice in the village, a woman replied, "This is only for the head of a village to do and they are all men. As a woman, I cannot have any role like this."[8] Thus, the representative nature of these individuals and traditional and customary-based systems is seriously called into question.

In addition, with further restrictions on women in the rural districts of Badghis, Kandahar, and Nangarhar provinces, Afghan women reported that they are not allowed to participate in any public governance activities. In Badghis, Herat, Kabul, Kandahar, and Nangarhar, rural women were not allowed to hold a public position or work in government offices or *Jirgas*. In all these five provinces, rural women said they had to wear the traditional burka when in public or when leaving their village.

We argue that, among rural populations, rural women face the greatest threat to their human security, as is illustrated throughout this book. Yet, most traditional and customary-based systems block women from serving on these bodies or having an equal voice in issues of community justice (see chapter 12, Traditional and Customary Systems of Justice). In some areas, women reported to us that they could not even bring their concerns to the village leadership. "If the men have a problem they can bring it to the village leaders. But if we women have a problem we are told to work it out ourselves."[9] In other cases, women are prevented from playing a role in these community bodies, even as a means to bring peace into their communities.[10] A woman relayed, "No, I have no role in trying to bring peace. Maybe if I tried the men would beat me because this is their role and not for women."[11]

Although statistically insignificant, three exceptions emerged in our research. In two villages in Paghman, Kabul, women reported having a say in the selection of village leaders and women have formed a *shura* in one village in Herat. These cases are worth noting as examples of how limited political participation by women could occur in other areas. When asked if she had a role in selecting local leaders, a woman in one village in Paghman said, "All the women sit together and decide what they think, and then one woman goes to the men and tells them if we accept the leader." She reported that there was little tension between the men and women because everyone was likely to agree, but "the women ultimately accept the men's decision" if there is disagreement.[12] A woman in a village in another area of Paghman gave a similar account of female involvement in selecting local leaders, explaining that "first the women decide among ourselves, and then we go tell the men our selection."[13] The true extent of women's involvement in selecting leaders in these villages is difficult to ascertain from these anecdotes, but it appears that there is some political space for women's fora and allowances are made for female contributions; however, these contributions can ultimately be ignored.

The concept of "female *shuras*" comes up most often in the context of UN or NGO programs. In these instances, the organizations have encouraged the establishment of female *shuras* in an attempt to increase gender equality in relief or development projects (see Traditional and Customary Systems of Justice). Historically speaking, female *shuras* do not exist in Afghanistan. However, the stakeholders who designed the 2003 NRVA survey[14] hoped that surveyors would be able to locate "female *shuras*" in the rural villages and conduct interviews with these groups in order to gather more accurate data on the situation of rural women in the villages. In reality, the 2003 NRVA survey teams found female *shuras* in only a few villages. Even in these villages it is not clear if these *shuras* were preexisting structures or if they consisted of a group of women brought together for the purpose of answering the 2003 NRVA questions.

We came across one female *shura* in our own research throughout Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces. The example is illustrative both in the formation of such an organization and in the challenges facing the new *shura*. In a village about one hour from Herat city, we interviewed a twenty-four-year-old woman who had recently returned to Afghanistan from Iran and is now the leader of the four-person female *shura*. She explained: "The women here were tired of only the men deciding everything. I have more liberal views from living in Iran, and I got all of the women together and we decided to go to the men and tell them we wanted a say in the affairs of the village. The men agreed, and so now we have formed a women's *shura*."[15]

This young woman, who said that compared to Iran she found the restrictions in Afghanistan hard to endure, provided the impetus needed to organize the women *as* women and thus started a female *shura*. However, the women had no access to information on the possible role of a female *shura*, and spoke with the female member of our team for several hours, asking questions such as: "What is a *shura*? What kinds of things can we do with our *shura*? What kinds of power do we have and what things are we supposed to do?"

Women's lack of participation in political or civil affairs is exacerbated by restrictions on their mobility. The exchange of information between the public and private world is very limited in most cases. A common sentiment was summed up by a woman from Badghis, "We don't ever go outside this village so we really don't know the situation of Afghanistan outside this village."[16] Teams collecting data for a recent study by the Human Rights Research and Advocacy Consortium (HRRAC) received a very high number of "don't know" answers from women.[17] The prevalence of "don't know" answers reflects the limited transfer of information from men who are able to access public spaces to the women who remain in the private sphere. One rural woman told the HRRAC research team, "Men do not give us any information because we are illiterate; they say we do not know anything."[18]

In conclusion, most rural women are without the ability to travel or to exchange ideas with women from other villages and provinces. Most are illiterate and rely heavily on their husbands for news or information from the outside world. However, bringing women together to exchange ideas and learn from each other will create an atmosphere in which women might be able to organize for change. This sharing and organization among women is an absolute necessity for developing the political participation and leadership capacity of rural women.

IMPLICATIONS OF WOMEN'S BLOCKED ACCESS TO POLITICAL AND CIVIL PARTICIPATION: RIGHTS AWARENESS, THE NEW CONSTITUTION, AND UPCOMING PRESIDENTIAL ELECTIONS

Findings:

- The physical and ideological barriers that prevent rural women from participating in the public realm and in leadership selection will significantly impede, if not prevent, their involvement in Afghanistan's nation-building process. At the most basic level, it is not possible for a presidential or parliamentary election to be legitimate without the participation of Afghan women.

- In Badghis, Herat, Kabul, Kandahar, and Nangarhar, only 38 percent of rural men and 7 percent of rural woman were aware of the new constitutional process taking place. Zero percent of women in Badghis, Herat, or Kabul were aware of the constitutional process.
- In Badghis, Herat, Kabul, Kandahar, and Nangarhar, rural women stressed the need for the right to education and the right to health care to be highlighted in the new constitution. Rural men called for the reinforcement of *Sharia* law and steps to improve security in the new constitution.

The physical and ideological barriers to the participation of rural women in the public realm will significantly impede or prevent their involvement in the state-building process currently underway in Afghanistan. We asked all respondents in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar if they knew about the Afghan constitution or the constitutional process that was underway in late 2003. Overall, 38 percent of males from all five provinces said they were aware of this process, but only 7 percent of the women had ever heard of the constitution, with women's awareness greatest in Nangarhar, and least in Badghis, Herat, and Kabul (table 5.1).[19]

While knowledge of the constitution was very low among both male and female interviewees, there was great interest (nearly 100 percent) in learning more about the new constitution, and women expressed extreme interest. If other women were present, the room would fall silent and everyone would listen carefully to our explanation of the constitutional process. The women would then enthusiastically offer their opinions on what should be incorporated into a constitution for Afghanistan. One young woman who was unable to study due to the lack of a girl's school in her area and who now made handicrafts said, "We did not study and don't know these things, but the new constitution sounds like it is of great interest to us, so we would like to know more."[20] The ability to learn more about the new constitution is directly linked to rights education, as a young woman replied: "Everyone should know about the new constitution, because this tells us how we can be treated and how we cannot be treated. Children to adults should be educated as to the new constitution."[21]

Table 5.1. Rural Afghans Aware of New Constitution, 2003

Province	*Rural Women Aware of New Constitution (%)*	*Rural Women Most Important Rights for New Constitution*	*Rural Men Aware of New Constitution (%)*	*Rural Men Most Important Rights for New Constitution*
Badghis	0	Right to health and education	0	Reinforcement of *Sharia* law
Herat	0	Right to education	53	Right to education
Kabul	0	Right to health and education	30	Ensure security
Kandahar	8	Right to education	39	Reinforcement of *Sharia* law
Nangarhar	26	Equality between males and females	67	Disarmament of armed groups

Note: Based on the analysis of our primary data.

We would explain to the Afghan men and women interviewees that the constitution was to be the supreme law of Afghanistan and would apply to all men, women, and children. The teams would then ask what issues people felt were the most important for inclusion in the constitution. For women, universal health care and education (for both boys and girls) topped the list, followed by the importance of Islam as the law of the land. A number of women, however, also made specific points regarding the need for greater equality between men and women. A woman in Herat said: "In the new constitution there must be civil rights and women's rights must be equal to men's rights. . . . Women should be able to work in any occupation they want and have the opportunities to be in the government like the men."[22]

Another woman in Kabul province said, "Every village must have schools for boys and girls, and men and women must have the *same* laws."[23]

The majority of male respondents said they wanted the reinforcement of *Sharia* law. However, it is unclear if these male respondents wished for a pure form of *Sharia*, that is, separate from the current mixing with tribal and customary law, or if they were calling for greater rule of law in their areas (see part III on formal, traditional, and customary law and justice systems).

Most male and female respondents did not hesitate when asked what they thought should be the key factors addressed in the new constitution. Nearly a third (28 percent) of our total study population from Badghis, Herat, Kabul, Kandahar, and Nangarhar said that schools for boys and girls, clinics, hospitals, and improved government services were the most important items. A Tajik woman responded: "What is needed in the new constitution are laws that call for schools for girls and boys, and clinics and hospitals to help people, and an end to all this fighting amongst each other."[24]

People suggested other key elements, including peace and an end to fighting, improved civil rights, freedom of movement (predominately mentioned by women), freedom of expression, right to divorce (predominately men-

tioned by women), and greater equality among men and women, boys and girls. A Tajik youth said: "In the new constitution what is most important is that people have the same civil rights and that the government should treat all people equally."[25]

A woman explained: "The most important thing for the new constitution is that it should emphasize peace and peaceful solutions to disputes. Peace is more important than the earnings that people are making from the wars and the continued unrest now. Peace is the most important thing for our children; they are the future of Afghanistan."[26]

There is no question that Afghan culture is based on a strict patriarchal system, but it is important to point out that not all men are seeking to prevent female participation in public life, and not all women wish to break from the confines of their world. For instance, the HRRAC survey found that 72 percent of respondents (male and female) thought women should be involved in local decision making. Gender was not a significant factor in the responses (although people with more education were more likely to support women's participation in public decision making). However, a smaller group of male and female respondents who said that they supported women's involvement specified that this should be "other women"—not themselves or their female relatives.[27] This indicates that some women do not wish for greater participation in public life, and feel that they are in their correct role as dictated by tradition, culture, and society.[28] Thus, a number of rural Afghan men and some rural Afghan women do perceive Afghan women's position and role in society as adhering to custom and tradition and do not seek to alter this role.

In conclusion, the paucity of information, education, and knowledge about public or political events at the rural level, especially for women, poses a major challenge in the run-up to the national elections scheduled for September 2004. Rural men and especially rural woman are far from understanding the electoral process. Many lack proof of identification or citizenship. Many men remain reluctant to allow their female relatives to participate in an electoral process and some women said that they would not vote due to cultural constraints.[29] These obstacles will only be overcome by an extensive education campaign explaining both the electoral process and the importance of the participation of all Afghans in national elections. Separate male and female polling stations are necessary, preferably with different times of the day to vote to decrease possible interaction between unrelated males and females. There will also need to be enough stations to allow women to vote within their villages, since many are unable to leave their villages except sporadically. Afghan and expatriate women will need to staff the voting stations for women to minimize potential interaction with strange men. The problems experienced by the NRVA in finding women to work in the southern part of

the country illustrate the particular obstacles that will be faced in this region in respect to the electoral rights of women. Women will not be able to register or vote if polling stations are not staffed by women, but there are likely to be few women willing or able to work in polling stations in rural areas.

RURAL WOMEN AND DECISION MAKING IN THE HOUSEHOLD

Findings:

- Countrywide, the majority (>50 percent) of rural Afghan women do not have power to make decisions on the spending of household budgets (even when they contribute to household income) or sale of productive and nonproductive household items.
- Countrywide, the majority (>50 percent) of rural Afghan women do not have a voice in the number or spacing of children they will have or the marriage of their children (with less control over the marriage of their girls than boys).

Many scholars of Islamic societies point out that although women have a curtailed public role, they have a powerful voice within their households. While this may be accurate in other parts of the Muslim world, we did not find this to be true in our research of rural Afghanistan, nor does our data or the data collected through the 2003 NRVA support these claims based on a number of indicators (some already outlined above and others illustrated here and throughout the rest of the book).[30]

Our analysis of data from the countrywide 2003 NRVA survey shows that the majority of rural Afghan women report having no say in budget or spending of household income (see map 5.2 on the book's Web page).[31] This is the case even in areas where respondents reported that women contribute to household income (see also chapter 9 on labor and income).

Likewise, our analysis of 2003 NRVA countrywide data show that women have little say in the sale of productive (see map 5.3 on the book's Web page) or nonproductive household assets (see map 5.4 on the book's Web page),[32] though women appear to have slightly greater decision-making power in the sale of nonproductive than productive assets.

Based on our analysis of 2003 NRVA data, rural Afghan women also have very little control over or involvement in decisions regarding marriage or reproduction (see map 5.5 on the book's Web page; see also Marriage and Marital Duties in chapter 6). As is the custom in Afghanistan, nearly every woman

interviewed in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces reported that her spouse had been selected for her by her family; only slightly more men reported being able to select their first wife, but nearly all men who had multiple wives selected their second, third, or fourth wife.

Our analysis of 2003 NRVA data finds that women have little or no control over reproductive planning (see Reproductive Health Care in chapter 4). This is due, in part, to the lack of access to birth control in rural areas (see Women's Access to Health Care and Reproductive Health Care), as well as to a general lack of knowledge on reproductive processes and health. To illustrate, when we asked "Who decides how many children you will have?" the majority (>50 percent) of our study population (both male and female) said that this decision was in the hands of God.

One area where women might be expected to have more influence is in the marriages of their own children. However, women in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces reported little power in making decisions about whom their children should marry, and they had the least amount of say in the marriages of their daughters (see Marriage and Marital Duties in chapter 6). We also found that mothers were unable to influence the decision to place a child bride into marriage (see also Child Brides in chapter 6).

THE RIGHTS OF WOMEN AND THE FORMAL AND TRADITIONAL JUSTICE SYSTEMS

Findings:

- The formal, traditional, and customary justice systems in Afghanistan that are purportedly in place to uphold the rights of rural Afghan women often undermine their rights.
- Women and girls can be arrested and prosecuted for running away from violent or abusive relationships or refusing to enter into forced marriages.
- The lack or complete absence of women in leadership positions within formal and traditional justice systems undermines access to justice for rural women.

In part III, we examine in detail the formal, traditional, and customary justice systems in Afghanistan. Here we present women's experiences of and interactions with the systems that are purportedly in place to uphold the rights of rural people. In reality, many of these systems undermine the rights of women and girls and place them at risk.

In most judicial systems within Afghanistan, tradition and custom play a more important role in influencing the legal systems than do precedents in civil code. Islamic law, or *Sharia*, and statutory law are important parts of the official legal system. However, much of Afghan society is governed not by legislated laws but by customary law combined with local interpretations of *Sharia*. These interpretations may vary based on the judicial body hearing the case, the nature of the offense or claim, and the standing of the parties within the community.

Customs, Traditions, and the Role of Afghan Women

Custom and tradition dictates the roles of both men and women. Men are to be brave and to defend the honor of their families. Female chastity and female behavior are some of the primary sources of a family's honor or potential disgrace. According to historian Barnett Rubin, Afghan men "see women as the repository of their honor, and any sign of sexual misconduct—especially, but not exclusively, adultery—is a political threat to the honor and strength of a family."[33] The honor of women lies at the heart of a family's reputation and strict punishments are levied against women or girls whose actions are thought to threaten this honor. Many conflicts in Afghan society are family-based disputes that center on women and girls: families and communities fight over inheritance rights (often of women), the exchange of women between families, and honor.[34]

In support of these findings, we found that the most common crimes brought before the district police and prosecutors in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces were land disputes and murder. The murders were committed largely as revenge killings or over disputes involving women, girls, and land.[35]

Women have few direct interactions with the formal Afghan legal system. Those women that do come before the formal courts or traditional or community-based fora are most likely bringing or facing charges related to their role or position as a woman in Afghan society. Our research in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces found that most charges involving women in district courts relate to women's sexuality. Women face charges of adultery,[36] running away from home to escape familial violence or an unwanted arranged marriage, or going against their family's wishes for a marriage partner. If a woman is convicted, she may lose her custodial and visitation rights to her children, notwithstanding the fact that such a ruling is technically unlawful under the Afghan civil code. Although less common, women may bring a case for divorce, child custody, or inheritance to court.

When Women Break Societal Norms

Strict expectations regarding the appropriate role of women in Afghan society inevitably lead to conflict when these codes are broken or when expectations are not realized. Repercussions occur for the women involved, for families who believe they have been dishonored or wish to seek revenge, and for the communities that become embroiled in conflict.

Most cases involving the transgression of women are handled privately by families. In some instances, however, these cases find their way into the formal legal system. Women face great difficulties in accessing the court system due to restrictions on their mobility and requirements that they be accompanied by a male relative at all times. Rural women face even greater obstacles, as they are often far from the seat of a district court, and many rural courts are nonexistent or barely functional at present (see chapter 11, Formal Justice Systems).

According to *Sharia* law, the testimony of a woman in court is worth less than that of a man (two women equal one man), and thus female defendants often have difficultly proving their innocence. Women seeking justice as plaintiffs before the law also face difficulties. Domestic abuse can be raised as the basis for a divorce, but there are no legal codes that criminalize domestic abuse or violence within the home. This means that criminal charges are not laid against the man in cases of domestic violence and judges often ignore domestic abuse unless the injuries are severe. Women are routinely sent back to abusive spouses and told to "come to an agreement."[37]

Women who do appear before formal courts are often detained and prosecuted for *zina* crimes, a category of crimes rooted in customary rather than statutory law.[38] Currently, *zina* crimes include adultery, consensual sex outside of marriage,[39] and "running away from home"—even if the woman is fleeing an abusive husband, a violent situation, or a forced marriage. During the Taliban regime, a married woman who committed *zina* would be punished by stoning to death. Many female detainees currently incarcerated in Afghanistan are reportedly being held for refusing to marry the man selected by their families.[40] Others are held for remarrying after being abandoned or divorced by their husbands, who then returned and pressed charges of adultery.[41] In researching women's access to justice, Amnesty International found some regions, such as certain districts in Nangarhar, where there were no women detained for *zina* crimes. In these instances, the researchers were told: "If there was a case involving *zina* crimes it would not be reported to the police. Instead, the family would deal with the case by killing the girl or woman involved."[42]

Judges and prosecutors pointed out that the women were much safer in detention than with their families, and several women in Kabul told Amnesty International that they feared violence from their family members if they were released. One women freed from detention in November 2002 was reportedly killed by her family upon her release.[43]

Airing family disputes or problems in public brings shame upon a family and many families are more likely to use private cultural norms than the formal or informal legal system.[44] A member of our team interviewed an Afghan soldier from the 8th Army Division in Mir Bacha Kot, Kabul, who was on trial for murder. The man, a father of five young children, explained that he knew that his wife was having an affair with his cousin. He had complained to his father-in-law and also to village elders, but no action was taken. The accused man continued the story:

> One early morning I woke up and saw that my wife was not in bed. I searched for her and heard whispers from the kitchen. I entered the kitchen and saw my wife pulling on her pants and my cousin running out the door. I ran in, grabbed my Kalashnikov and killed both of them, using twenty bullets. Then I took my gun and came to the government office and surrendered.[45]

Our team member asked why he had not taken the matter to court and divorced his wife. The man replied: "Divorce is not a custom in my village and I did this because of my profound belief in honor (*nang*), religion, and tradition. I am not guilty. What I did is within my traditional rights to protect my family honor and reduce immorality (*fassad*) in my country."[46]

Correction facilities for women detainees or those awaiting trial are woefully inadequate. There were no detention centers for women in any of the districts where we worked in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces and women were either transported by male police to urban centers or held in the houses of the local police until they could be seen by the district courts (see Detention Centers in chapter 11). There are no safeguards to prevent the sexual abuse of women when in custody. Amnesty International received reports of sexual abuse of women by prison staff in Herat, Mazar-i-Sharif, and Kabul. One woman in Jalalabad said: "If the commanders arrest a girl in a case of adultery when her case is going to the first district police station, they are sexually abusing her, saying you had relations with a man so you should with us also. Then they transfer the woman from station to station."[47]

When There Is Nowhere to Turn for Justice

The majority (>50 percent) of Afghan women in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar have no say in when and who they will marry. They are unable to refuse their families' selection of a

mate and have few options to escape abusive or violent situations. Most rural women cannot seek justice in the formal legal system in the event of domestic violence, rape, or sexual abuse. In many cases, women or girls who face charges of "running away" to escape child marriages, abusive husbands, or to flee forced marriages are given reduced jail terms if they agree to return or to marry the man in question. Amnesty International found this to be the case even for girls below the legal marriage age of sixteen years.[48]

Women and girls also have great difficulty approaching and using traditional justice mechanisms such as local *shuras* or *Jirgas*, and these informal bodies are likely to uphold the strict cultural codes on the "correct" role and position of women and girls. This makes it extremely unlikely for a woman or girl to receive a fair trial before these bodies. For instance, in resolving murder cases, customary governance fora reportedly often order the "exchange" of a woman or girl as compensation to the family of the victim (see *Badal* and the Exchange of Girls and Women in chapter 6).[49]

Faced with few other options, some women take extreme measures to escape desperate and abusive situations. High-level UN investigations and studies have found high rates of suicide or attempted suicide among Afghan women.[50] According to the Afghan Independent Human Rights Commission, the limitations on access to justice for women have contributed to attempted suicide, suicide, and self-immolation. Over a hundred young women in Herat province reportedly set themselves on fire, and dozens more in Badakhshan province jumped into the Kokcha River and drowned to escape arranged marriages.[51] Rather than seeing these desperate actions as a need for immediate intervention to redress rights violations, some local authorities viewed women who commit suicide to avoid forced marriages to be "bad women." For instance, the governor of Herat province and high-level government officials condemned women who commit self-immolation by setting themselves on fire to try to avoid forced marriages as those who dishonor their traditions.

The Role of Women within the Formal and Traditional Justice Systems

Very few Afghan women have positions in the legal system. The lack of women lawyers, prosecutors, and judges limits the ability of ordinary Afghan women to seek justice. Accurate records are unavailable, but out of the estimated 2,006 judges presently serving in Afghanistan, only twenty-seven are women.[52] At present, there are very few programs (national or international) set up to train women lawyers or judges or to fast-track female judicial nominees. The Judicial Reform Commission (JRC) is running a one-year training course for young lawyers at the Legal Education Center, but out of 150 lawyers only twenty (13 percent) are women. Most female judges are reportedly excluded from key positions, with the exception of the heads of the juvenile and family courts in Kabul. Amnesty International found that women who are qualified as judges are more likely to perform the duties of judicial clerks.[53]

The Afghan justice system does have a tradition of "family courts" that were established to hear issues of inheritance, divorce, and child custody. Family courts were set up during the Najibullah administration (1986–1992) but were dismantled by the Taliban. As of December 2003, family courts had not been established outside of Kabul city.[54] These courts were the part of the legal system most familiar to women, and were the most likely to have female judges.[55] However, the traditional codes governing family law were based on *Sharia* and *Hanafi* jurisprudence, and were unlikely to lead to equitable outcomes for women (see part III on systems of justice).

For instance, the civil codes say that a woman is entitled to only one-eighth of her husband's estate and in the rare case of divorce is only entitled to have custody of her children below the age of nine for girls and seven for boys. Older children remain in the custody of the father following a divorce. Women are often evicted from their homes and lose all of their possessions when divorced by their husbands.[56] If a woman seeks a divorce through the official courts, she stands to lose her *mahr*, which are the assets or financial goods that a man transfers to her at the time of marriage (usually a precious metal).

Sharia law views *mahr* as a mandatory obligation of Muslim men and says that no law can take the *mahr* away from women; this system is also codified in Afghan civil law. However, in most divorce cases in Afghanistan women are not allowed to keep their *mahr* after divorce due to custom and the weakness of the rule of civil law. The scholar Valentine Moghadam points out that while in most Muslim countries *mahr* serves as a type of insurance for women against widowhood or divorce, this concept has been "abused in the Afghan tribal-patriarchal context," where the payment of *mahr* usually goes to the father of the bride and is never given directly to the woman.[57]

Just as women have little access to traditional or community-based dispute resolution mechanisms, they also have little to no involvement in these systems. Our analysis of 2003 NRVA data finds that countrywide, with the exception of two districts, 51 percent to 100 percent of villages per district reported that women played no role in conflict resolution either within or among villages (see Women's Participation in Political and Civil Life in Rural Afghanistan, in chapter 5).

In accordance with our analysis of the data from the 2003 NRVA, only a handful of women in our entire study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces said that they played a role in selecting leaders in their villages. When asked if women played a role in dispute

resolution in their villages, only four women in our study population in these provinces said that they played a role in resolving disputes among villages in the area. Importantly, women only reported playing a role in instances where they had created a female *shura* because they were dissatisfied with their lack of voice in village and community matters. Finally, virtually no women play a formal role in resolving disputes, and women who seek assistance with conflict or disputes at the local level face judgments made only by men (see chapter 12, Traditional and Customary Systems of Justice).

NOTES

1. Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East,* 2nd ed. (Boulder: Lynne Rienner Publishers, 2003), 238–39. These ambitious reforms for women (as well as other far-reaching reforms) created tension between the King and the traditionalists: "These unprecedented measures violated traditional norms and offended religious leaders and their following, especially in rural areas. Reaction against the campaign for women's emancipation and anger toward creeping centralization were major factors in the outbreak of violent disturbances in November and December 1928." Amanullah was deposed and forced into exile in 1929.

2. Asta Olesen, *Islam and Politics in Afghanistan* (Richmond, Surrey: Curzon Press, 1995), 137.

3. The 1964 constitution gave all women the right to vote, though very few voted in the 1965 or 1969 parliamentary elections. Those who did vote were urban, upper class, and were often the wives of government officials or bureaucrats. No women voted in the villages except in the Doshi district of Baghlan, where an Ismaili chieftain encouraged women to help vote him into parliament. Hafizullah Emadi, *Politics of Development and Women in Afghanistan* (Karachi: Royal Book Company, 2002), 58–59.

4. International Crisis Group (ICG), *Afghanistan: Women and Reconstruction,* Asia Report #48 (Kabul/Brussels: ICG, March 14, 2003), 5.

5. Moghadam, *Modernizing Women,* 247. Decree number 7 did not, however, address some of the fundamental gender inequities, such as polygamy, women's lack of divorce rights, and the lack of clarity on punishments for abusive husbands. Emadi, *Politics of Development,* 75–76.

6. The first women's movement was also formed in the 1960s, called the Democratic Organization of Afghan Women (DOAW), and was linked to the PDPA. However, even some of the women involved in the DOAW at the time later said that the pace and extent of the reforms had been too extreme for Afghanistan in the 1970s. In 1986 the DOAW changed its name to the All-Afghan Women's Council (AWC) and became less radical and more service-oriented, focusing on social and legal assistance to poor women as well as providing literacy and vocational training and organizing income-generating activities. Moghadam, *Modernizing Women,* 254–56.

7. United Nation High Commission on Human Rights, *Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan* (Geneva: United Nations High Commission on Human Rights, 1997, E/CN.4/1997/59), para. 71.

8. Interview, Aymaq woman, age 30, Qal-i-Now, Badghis, November 21, 2003.

9. Interview, Tajik woman, age 35, Farsi, Herat, August 26, 2003.

10. This finding contradicts the work of some researchers who state that women have a role in peace-building within their villages, and that Westerners ignore "the role traditionally played by women in brokering peace and in mobilisation (or demobilisation) for fighting." Likewise, our findings contradict the view expressed in the same research (and elsewhere) that women do wield considerable power within Afghan society but that this power is within their homes. Our interviews in the homes of rural women in five provinces found, overwhelmingly, that women had little say in any aspect of public life (including peacemaking) and that even within their homes they had extremely little decision-making power. For a contradicting view (though not based on field research) see Sultan Barakat and Gareth Wardell, "Exploited by Whom? An Alternative Perspective in Humanitarian Assistance to Afghan Women," *Third World Quarterly* 23, no. 5 (2002): 909–30.

11. Interview, Tajik woman, age 40, November 22, 2003.

12. Interview, Pashtun woman, age 25, Paghman, Kabul, October 11, 2003. Interestingly, this woman told us that she "did not feel represented by the village leader" because "he does not like us, and likes only those people who are close to him." The second woman interviewed in this village said that she was not involved in selecting the village leader, but had only recently returned from Pakistan and knew little about the workings of the village. She reiterated the first woman's view that the village leader did not represent the people, calling him a rich "commander" who did not care about the lives of other people.

13. Interview, Tajik woman, age 40, Paghman, Kabul, October 11, 2003. The second woman interviewed in this village was an unmarried adolescent girl who rarely left her home and was not involved in decision making.

14. Our research team was among the stakeholders.

15. Interview, Tajik woman, age 24, Guzara, Herat, August 25, 2003.

16. Interview, Tajik woman, age 32, Qal-i-Now, Badghis, November 21, 2003.

17. Interview, Dawn Stallard and Paul O'Brien, CARE, Kabul, July 27, 2003.

18. Human Rights Research and Advocacy Consortium (HRRAC), *Speaking Out: Afghan Opinions on Rights and Responsibilities* (Kabul: HRRAC, November 2003), 28. Quote from a woman in Panjao district, Bamyan.

19. These findings are very different from the findings of HRRAC survey conducted in April to June 2003. The HRRAC study found that roughly 60 percent of women knew about the constitutional process. It is important to note that the HRRAC survey combined rural and urban respondents, and conducted most of their interviews in urban areas where knowledge of political processes is likely to be higher, even among women. The HRRAC survey was also conducted in areas where local and international NGOs were working, which may have increased knowledge and the flow of information to women. See Human Rights Research and Advocacy Consortium (HRRAC), *Speaking Out,* 25–26. In comparison, our study was conducted only

in rural areas and in a number of those areas there was little to no NGO activity and the majority that had occurred over the last two years were one-time projects, such as road construction or installation of a new water pump.

20. Interview, Pashtun woman, age 21, Surobi, Kabul, November 8, 2003.
21. Interview, Aymaq woman, age 30, Qal-i-Now, Badghis, November 21, 2003.
22. Interview, Tajik woman, age 24, Guzara, Herat, August 25, 2003.
23. Interview, Tajik woman, age 65, Paghman, Kabul, October 9, 2003.
24. Interview, Tajik woman, age 30, Mir Bacha Kot, Kabul, November 4, 2003.
25. Interview, Tajik woman, age 20, Mir Bacha Kot, Kabul, November 4, 2003.
26. Interview, Tajik woman, age 38, Mir Bacha Kot, Kabul, November 3, 2003.
27. Human Rights Research and Advocacy Consortium (HRRAC), *Speaking Out,* 27–28.
28. Human Rights Research and Advocacy Consortium (HRRAC), *Speaking Out,* 28.
29. Human Rights Research and Advocacy Consortium (HRRAC), *Speaking Out,* 25.
30. A study of the role of urban Afghan women might have different findings regarding the role of women in household decision making and in the private realm.
31. An exception to this pattern was found in recent field research by AREU in Faryab and Saripul provinces in northern Afghanistan. In a study on gender roles in agriculture, Jo Grace found that "[w]ithin some richer households women appeared to be looking after the money; however, due to women travelling to the bazaar being seen as culturally unacceptable, men are the ones who spend the money. However, decisions relating to what is bought may be made by both men and women." This trend was not picked up in the NRVA data, possibly because the NRVA did not focus on the "better-off" wealth group. More fieldwork is needed on the nuances of gender roles and financial decision making in different regions and wealth groups. Jo Grace, *Gender Roles in Agriculture: Case Studies of Five Villages in Northern Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, February 2004), 6.
32. We define productive assets as those that bring in income or contribute to household's livelihood, such as a plow, loom (if carpets are sold), sewing machine (if tailoring provides income), oxen, and so on. Nonproductive assets are household essentials, such as cooking utensils, blankets, family carpets, and the like.
33. Barnett Rubin, *The Fragmentation of Afghanistan,* 2nd ed. (New Haven: Yale University Press, 2002), 24.
34. International Crisis Group, *Peacebuilding in Afghanistan,* Asia Report #64. (Kabul/Brussels: International Crisis Group, September 30, 2003), 1.
35. Interview, Chief Prosecutor, Paghman, Kabul, October 9, 2003; Interview, Chief of Police, Musayi, Kabul, October 14, 2003; Interview, Chief Prosecutor, Surobi, Kabul, November 5, 2003; Interview, Head of Investigative Unit, Surobi, Kabul, November 5, 2003; Interview, Chief of Police, Bala Murghab, Badghis, November 19, 2003; Interview, District Authority, Surkh Rod, Nangarhar, November 12 and 13, 2003; Interview, Chief Prosecutor, Rodat, Nangarhar, December 7, 2003; Interview, Chief Prosecutor, Pashir Wa Agam, Nangarhar, December 8, 2003.

36. Men also face charges of adultery for sex outside of marital sex or, if single, sex with a married woman.
37. Amnesty International, *Afghanistan: Re-establishing the Rule of Law* (London: Amnesty International, August 2003), 39.
38. Amnesty International, *Afghanistan: "No One Listens to Us and No One Treats Us as Human Beings": Justice Denied to Women* (London: Amnesty International, October 2003), 33.
39. For this offense a woman may receive one to three years' imprisonment. Tufts team, field interviews with district judges, Herat, Afghanistan, November 2003.
40. Amnesty International, *Justice Denied to Women,* 38.
41. Valerie Reitman, "20 Female Afghan Prisoners Go Free under Presidential Amnesty," *Los Angeles Times,* November 11, 2002; Amy Waldman, "The 15 Women Awaiting Justice in Kabul Prison," *New York Times,* March 16, 2003.
42. Amnesty International, *Justice Denied to Women,* 38.
43. Amnesty International, *Justice Denied to Women,* 39.
44. Interview, Abdul Qader Rahimi, field interviews, November 2003.
45. Interview, 35-year-old defendant, Mir Bacha Kot, Kabul, November 4, 2003.
46. Interview, 35-year-old defendant, Mir Bacha Kot, Kabul, November 4, 2003.
47. Amnesty International, *Justice Denied to Women,* 21.
48. Amnesty International, *Re-establishing the Rule of Law,* 42.
49. Amnesty International, *Re-establishing the Rule of Law,* 46.
50. See the "Report by the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on the situation of women and girls in Afghanistan," United Nations General Assembly, Fifty-eighth session, Agenda item 117 (C), October 2003; Amnesty International, *Re-establishing the Rule of Law,* 39–40; Physicians for Human Rights, *Women's Health and Human Rights in Afghanistan: A Population-based Assessment,* (Boston: Physicians for Human Rights, 2001); Fariba Nawa, "Afghan Women Freer, But a Rise in Fiery Suicides," *Christian Science Monitor,* August 9, 2002.
51. Tufts team, field interviews with human rights commissioners in Kabul and their suboffice director in Herat, November 2003.
52. Amnesty International, *Re-establishing the Rule of Law,* section 5.3.
53. Amnesty International, *Re-establishing the Rule of Law,* section 5.3.
54. Amnesty International, *Re-establishing the Rule of Law,* section 4.1.
55. International Crisis Group, *Women and Reconstruction,* 21.
56. International Crisis Group, *Women and Reconstruction,* 21.
57. Moghadam, *Modernizing Women,* 230.

Figure 6.1. Four child brides all given in marriage to help feed their families, Herat province. Photo by Dyan Mazurana.

6

Family and Sexual Systems

Chapter 6 discusses the role of women, men, boys, and girls in existing family and sexual systems within rural Afghanistan. We examine the institution and practice of marriage and accompanying marital duties. We also discuss the widespread practice of giving girl children in marriage, as well as the ritual exchange of girls and women to prevent further shedding of blood and practice called *Bad* or *Badal*. The chapter concludes with discussion on sexual violations against rural women, girls, and boys.

MARRIAGE AND MARITAL DUTIES

Findings:

- The majority (>50 percent) of rural men and women in Badghis, Herat, Kabul, Kandahar, and Nangarhar have no voice in selecting their marriage partner.
- Countrywide, most rural women have no role in selecting marriage partners for their children. Men select the marriage partners of their children.
- Most conditions for women in Afghan society relate to their sexuality and reproductive and marital duties.

The pressures shaping the gendered behavior of Afghan children begin at a very young age. A report by Save the Children (USA) and UNICEF examines the experiences and concerns of Kabul's children, and pays particular attention to the different challenges and anxieties faced by boys and girls. As explained in the book, one of the most important qualities of a young child is

his or her *tarbia,* which refers to how children relate to others. A child may have good *tarbia*—exhibiting good language, respect for elders, cleanliness, and hospitality—or the opposite, bad *tarbia*. The manifestations of good versus bad *tarbia* differ by gender. For instance, a young boy has good *tarbia* if he is courageous, polite, and respects his elders. For girls, modesty is the most essential element of good *tarbia*; girls are to keep their eyes down in public, to ensure their heads are covered, and to avoid interactions with boys. Girls in the Save/UNICEF study said that they were teased if they did not follow these norms, and they said they tried hard to modify their behavior so as to avoid being taunted.[1]

For girls, the moral and behavioral code of *tarbia* is their first exposure to the expectations of Afghan society for women and the negative repercussions of failing to adhere to this set of standards. The expectations evolve as a girl grows. Moral standards become more closely linked to sexuality, and restrictions on mobility, expression, and social interactions increase accordingly.

Boys also learn of roles and responsibilities linked to gender roles and their position as the protectors of women and the enforcers of segregation between men and women. For instance, boys learn from an early age to warn their female relatives when men approach the family compound and boys know to respect the privacy of women and to not enter a compound unless permission is granted.[2]

For many Afghans, marriage is a pact between families, not between individuals. Marriage often involves complex sets of tribal and familial relations, financial exchanges, and, at times, compensation for crimes (see *Badal* and the Exchange of Girls and Women, later in this chapter). A scholar on Afghan law explains that a man can acquire a wife in one of four ways: he can pay a bride price, gain a bride in marriage, inherit a widow, or receive a bride as compensation for a crime committed against him or a relative. The first method is the most common and the other means of acquiring a bride usually involve variations on the payment and receipt of bride price.[3]

Most rural young people have very little to no say in selecting their marriage partners.[4] In Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, 9 percent of our total study population had a role in selection of their marriage partners; of these only six women said they were given any choice in whom they would marry. The limited involvement in marriage decisions is more pronounced for girls, who may be married off at an extremely young age, sent away to a distant family, or betrothed to a much older man.

An ethnographic study of Pashtun society found that women rarely express joy or display happiness when recollecting their marriage.[5] Similarly, we heard numerous accounts from girls and women in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces lamenting the selection of and married life with their spouses. To illustrate, in one interview in Badghis, a woman who was married at age thirteen reported: "I was too small and my husband was too old when I was married. But I cannot say to my father, 'Why did you do this to me?'"[6]

In Surobi district of Kabul a woman said: "My father decided on my husband and also on my sister's husband. We told our father many times that we don't like these men but our father did not accept our voices."[7]

Our analysis of 2003 NRVA data finds that not only do girls have no say as to whom they will marry, but also that many women have no say over who their children will marry (see map 6.1 on the book's Web page). Notably, mothers have less say over whom their daughters will marry than over who their sons marry. The fathers of the children overwhelmingly make marriage decisions for both their boys and girls.

CHILD BRIDES

Findings:

- Countrywide, 16 percent of children are married under age fifteen, while 52 percent are married under age eighteen. Girls are the majority of children in underage marriages.
- In Badghis, Herat, Kabul, Kandahar, and Nangarhar, the majority (>50 percent) of parents interviewed that had married one of their girls under the age of fifteen (i.e., a child bride) said they did so primarily for economic reasons.
- In these same five provinces, the majority (>50 percent) of child brides were given to significantly older men, often as a second or third wife. Such practices are likely to lead to situations of early widowhood or female-headed households.

Rural Afghan women have little input in important decisions in their lives, but this situation is even more pronounced for child brides. The minimum legal age for girls to marry in Afghanistan is sixteen, but the marriage or engagement of girls younger than sixteen years is common. Recent data from UNICEF, Afghanistan, shows that countrywide, approximately 16 percent of children are married under age fifteen, while 52 percent are married under age eighteen.[8] Girls are the majority in underage marriages.[9]

We found the marriage of child brides to be prevalent in the areas where we worked in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, with up to 30 percent of families in some provinces reporting placing girls into marriage below age fifteen.[10] Child brides were often given to substantially older men,

and are usually the second or third wife. Older men are often wealthier than their younger counterparts and it is therefore in the interest of parents to marry their young girls to older men who will be able to pay a higher bride price.[11]

The accepted age for child brides appears to decrease as destitution rises and people seek to pay off debt, to access cash for basic necessities such as food and medicine (for themselves, their remaining children, and the girl they are giving in marriage), and to decrease the numbers in their households. For example, one grandmother of a seven-year-old child bride pointed to the girl and told us, "When we married that one, we ate well."[12] The comment greatly distressed the mother of the girl who explained to us that she had no other means of raising money to feed the remaining family members.[13]

Drawing on tribal customary laws, families may also exchange girls to strengthen links between families or in lieu of a bride price. Two brothers or cousins may swap their daughters in order to provide brides for each other's sons and to keep the wealth from the bride price within an extended family.[14] Impoverished families may provide a daughter to the family of their son's betrothed instead of paying a bride price. The mother of a family that had recently returned to Kabul province from Pakistan said: "We exchanged two of our daughters as bride price for our sons' wives, as we did not have any money. Both these daughters were married at age thirteen."[15]

Heavily indebted families may also give their daughters in marriage, often at a young age, in order to pay off debt to shopkeepers, neighbors, or relatives.[16] A recent report from southwestern Afghanistan found that opium farmers were sometimes forced to give their young daughters to drug traffickers to pay off part of the debt. The daughter of a small-time drug dealer explained how she and her sister were forced to marry the drug lords to whom her father owed money: "There were five or six of them. They came with their guns on our roof and took four carpets, the generator. They locked us in and demanded for their opium debts to be paid. They put a gun to my father's stomach and said, 'Give us your daughters.' He was chained when they forced him to marry us [to them]."[17]

The marriage of very young girls to older men against their will violates the human rights of the girls. Marriage at a young age also increases the risk of reproductive health problems, early and numerous pregnancies, and pregnancy-related risks. Early marriage can have long-term repercussions for the girls, their families, and their communities. For instance, no woman in our study population who had been given as a child bride in Badghis, Herat, Kabul, Kandahar, or Nangarhar had ever attended school. A 2002 study by UNICEF also found that girls who marry young rarely continue to attend school with their unmarried female peers and lose their access to education in areas where schools for girls are available.[18]

We found that among the study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces women who had been married as children (under fifteen years old) were more likely to have their own daughters leave the house as child brides when compared to women who had not been child brides. A thirty-year-old mother of six who was given as a child bride explained: "People here marry their girls young. According to *Sharia* law, we should not marry girls this young [referring to under fifteen years old]. Also, the girls do not like to be married so young."[19]

Additionally, given the great age difference between a child bride and an older man, a child bride is likely to be widowed or left with an infirm husband while she is still young. As a second or third wife to an older man she is often left caring for the children of earlier and older wives as well as her own children. A thirty-seven-year-old woman in Guzara, Herat, with a mentally infirm husband, reflected: "I was married at age nine to a forty-year-old man. I have had seven children by him. Now he is old and cannot do anything for us and just sits there."[20]

An eighteen-year-old mother of four, who was married at age thirteen to a fifty-nine-year-old man as his third wife stated: "My husband is too old, he cannot work and cannot bring anything like brush or anything for us. My husband's first wife died last year in childbirth, the other wife is not well. So now, at eighteen, I take care of all these children, four of mine and five of theirs."[21]

Widows rarely remarry and female-headed households have extreme difficulty accessing markets, credit, and health care (see Markets, and Debt and Credit in chapter 9, and Health Care in chapter 4). Widows and female-headed households will often lose their rights to land or other assets, or, if they are able to keep their husband's land, often must hire labor or sharecroppers to work the land. The charity networks that have traditionally supported indigent widows and female-headed households are strained by spreading poverty and destitution. Left with few other options, widows and female-headed households may be more likely to marry their own children off at a young age for the bride price and to decrease the number of dependents in the household.

This was the case for the woman in a rural village in Herat province with the infirm husband:

> There is no work except for embroidery in this village. So, I have four daughters who as you can see are very beautiful [ages seven to twelve]. I have married all of them to rich people in the village and have gotten money for that. With that money I keep this house and my mother and I are able to eat good food. I am not happy about this though. Look at my daughters here, they are young. It is not right that we are so poor that we have to marry off our girls in order to eat.[22]

BADAL AND THE EXCHANGE OF GIRLS AND WOMEN

Findings:

- The custom of *Bad* or *badal*, which involves trading women and girls among families to resolve serious disputes and prevent revenge killings, continues in Afghanistan.
- Young women or girls given as part of *badal* have no voice in accepting or rejecting decisions for *badal*, which are made by village councils (*Jirgas* and *shuras*) composed of all men.

Badal refers to a practice among Pashtun tribes to resolve serious crimes such as murder. This legal custom mandates that the family of the perpetrator gives a young girl in marriage to the family of the victim. (She may be married later if she is very young at the time of the exchange.) Professor Karim Khuram, a legal scholar, explains how a *badal* exchange occurred among the Wazir tribe of eastern Afghanistan:

> At one time, a dispute arose between two members of the Wazir tribe, Haji Sardar and Shah Tofan, over water allocation. The altercation escalated to the point where Haji Sardar's son shot and killed Shah Tofan's son. Haji Sardar's family was then forced to flee from the village to Pakistan. In their absence, the village elders decided to mediate the dispute between the two families and determined that the dispute and resultant murder could be resolved by having Haji Sardar's family give two girls and pay a fine of 300,000 Pakistani rupees to the family of Shah Tofan. To express his approval of the *Jirga*'s decision, Shah Tofan would have a girl of his family marry a member of Haji Sardar's family. Shah Tofan accepted. He also agreed to accept the two girls for the murder of his son but he rejected the 300,000 Pakistani rupees. After this compromise was reached through the power of the *Jirga*, there was no further incident or dispute between the families.[23]

The sociocultural foundation of *badal* developed in response to the custom of revenge killings. Afghan tribal communities have suffered continuous bloodshed from cycles of revenge killings that may continue for generations. The custom of *badal* was designed to convert the two opposing families into one family and to stop the killing of young men. The treatment of the exchanged girls by the new family depends in part on the agreement of the parties at the *Jirga*, as well as the social status (i.e., power and wealth) of the families.

Within *badal* practice, young girls are not allowed a voice in accepting or rejecting the agreement of the parties at the *Jirga*. The *badal* practice was banned by the legislated codes of Afghan civil law and it is also forbidden by *Sharia* law.[24] Nonetheless, this custom is still in practice in certain parts of Afghanistan as a method of conflict resolution, mostly for cases of murder. There are, however, some tribal communities that have removed the practice of *badal* from their systems of disputes resolution.[25]

Yet, recent research by Amnesty International in Herat, Balkh, and Nangarhar found that local *Jirgas* and *shuras* often still resolve murder cases by ordering the alleged perpetrator to provide a young girl or girls to the victim's family.[26] According to participants in female focus groups convened as part of Amnesty International's research, girls exchanged to resolve disputes suffer particularly harsh treatment. Their families may cut ties with the girls, and "the family of the groom regards them as tainted by the circumstances of the marriage."[27]

SEXUAL VIOLATIONS AGAINST WOMEN, GIRLS, AND BOYS

Finding:

- Police, militias, armed political groups, and commanders continue to use rape and sexual violence as a weapon against women and girls, their families, and communities.
- Afghan boys are also the target of sexual abuse.

There is little distinction in Afghan society between the violation of a woman's honor and violations to the honor of her family. This is perhaps most evident in the case of rape and sexual assault. Militia and army forces, commanders, and criminals have used rape as a means of terror and intimidation for many years in Afghanistan. The Taliban received a warm welcome in many communities early in their campaign for power in the mid-1990s, and this success is often attributed to the Taliban's ability to improve security for women and to deal harshly with sexual offenders. For instance, the Taliban arrested and executed a commander accused of abducting and raping two girls in Kandahar in 1994, and this is thought to have won much support for the movement in that area.[28]

Nevertheless, when the Taliban forces captured the northern city of Mazar-i-Sharif, Balkh, they abducted young girls and women and took them for sexual slavery to the south. The same violations of girls and women's rights by the Taliban occurred in the Shomali Plain, north of Kabul.[29] In Kabul city, the Taliban and Al-Qaeda fighters forcibly took many young girls and women with them when they retreated from the capital.[30]

Rape appears to have reemerged as a weapon of terror and war. Accounts of house invasions and sexual assaults of women are increasing, and rape is being employed as a weapon by warlords, commanders, and their militias. In her report to the United Nations General Assembly in October 2003, Yakin Ertürk, the Special Rapporteur of the Commission on Human Rights, stated: "Rape, including significant incidence of gang rape of women and girls from minority communities in the north, women and girls from nomadic groups, female aid workers and female members of aid workers' families, is reported to be a common and recurrent manifestation of the prevailing insecurity in the country."[31]

Police, soldiers, and members of local militias are alleged to be the perpetrators in many cases.[32] We were told that rape against women in the north is increasingly used by armed groups to dishonor the men in the family or to exact revenge. Women in some areas stated that the threat of insecurity and sexual violence by armed groups is making the lives of women worse now than under the Taliban.[33]

Families and rape victims are extremely reluctant to speak of such incidents, as the rape of a woman is an assault on her family's honor and, for a single woman, the stigma of the loss of virginity will ruin her chances for marriage. As discussed earlier, women have extreme difficulty in accessing courts, especially in the absence of family support or assistance. Rape survivors who do seek justice through the legal system may find themselves on trial for sex before marriage if they take a rape case to court. There are currently no facilities for forensic tests for rape cases, and instead, virginity tests may be carried out on women who take a rape case to the police or hospital.[34] The results of the virginity tests and witness statements, if available, are the only evidence that can be used by courts to prosecute rape cases.[35] Prosecutions for rape cases are extremely rare within the justice system, due to the lack of capacity for criminal investigation, lack of sensitivity to rape cases on the part of the police and judicial system, and the "existing attitudes with regard to sexual offences, which act to silence the victim and the witnesses."[36]

Sexual violations also occur against Afghan boys. Sexual relations between men and boys are prohibited under *Sharia* and Afghan law, but such relations are reportedly prevalent in certain areas of the country. The practice was made a criminal offense by the Taliban, but allegedly continued to occur in the Taliban ranks and in many Taliban-controlled areas. In a report released in July 2003, Human Rights Watch states that people were more willing to talk about sexual violence against boys than against girls. Human Rights Watch researchers heard from respondents that troops were abducting boys and young men for sex and holding them at military checkpoints.[37] While the sexual abuse of boys is reportedly the most common in the south and east of the country, the practice is said to occur elsewhere.

A news story from March 2003 quoted residents of Parwan and Kapisa provinces as saying powerful men, especially military commanders, took young boys as their guests to wedding parties and expected them to dance and to have sex with them.[38] Respondents in informal interviews with us in Kabul also reported this practice, and one anonymous informant said that he had recently attended a party for a groom in Kabul city where sexualized entertainment by and subsequent abuse of young boys occurred as part of the celebrations.

NOTES

1. Jo de Berry et al., *The Children of Kabul: Discussions with Afghan Families,* (Kabul: Save the Children and UNICEF, June 2003), 8–9. Boys and girls who develop bad *tarbia* are likely to pass bad *tarbia* onto their own children.
2. Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East,* 2nd ed. (Boulder: Lynne Rienner Publishers, 2003), 232.
3. Mohammad Hashim Kamali, *Law in Afghanistan: A Study of the Constitution, Matrimonial Law, and the Judiciary* (Leiden: E.J. Brill, 1985), 84–85.
4. Barnett Rubin, *The Fragmentation of Afghanistan,* 2nd ed. (New Haven: Yale University Press, 2002), 23.
5. Benedicte Grima, *The Performance of Emotion among Paxtun Women: "The Misfortunes Which Have Befallen Me"* (Austin: University of Texas Press, 1992), 54.
6. Interview, Tajik woman, age 18, Qal-i-Now, Badghis, November 22, 2003.
7. Interview, Pashtun woman, age 21, Surobi, Kabul, November 8, 2003.
8. UNICEF data provided to us through Nadia Behboodi, Assistant Project Officer, UNICEF, Kabul, Afghanistan, October 21, 2003.
9. One Afghan author points out that a boy may be forced to marry an older woman under special circumstances, such as following the death of an older brother. The family may then marry a younger son to the widow in order to keep her in the extended family. Hafizullah Emadi, *Politics of Development and Women in Afghanistan* (Karachi: Royal Book Company, 2002), 21.
10. Tufts figures for percentage of families who had married a child under the age of 14 were nearly identical to those reported by UNICEF for the same provinces. UNICEF data provided to us through Nadia Behboodi, Assistant Project Officer, UNICEF, Kabul, Afghanistan, October 21, 2003.
11. Kamali, *Law in Afghanistan,* 84–85.
12. Interview, Tajik woman, age 64, Guzara, Herat, August 25, 2003.
13. Interview, Tajik woman, age 37, Guzara, Herat, August 25, 2003.
14. Rubin, *The Fragmentation of Afghanistan,* 24.
15. Interview, Pashtun woman, age 40, Paghman, Kabul, October 11, 2003.

16. Sue Lautze et al., *Qaht-E-Pool "A Cash Famine": Food Insecurity in Afghanistan 1999–2002* (Medford: Tufts University, 2002), 13.

17. Fariba Nawa, "Profile: Opium Debts in Afghanistan," National Public Radio, *Morning Edition*, December 30, 2003.

18. UNICEF, *Lost & Found: The Psychosocial Needs and Resources of Afghan Youth in the Post Conflict Era: Assessment and Programme Recommendations* (Kabul: UNICEF, 2002), 36.

19. Interview, Tajik woman, age 30, Qal-i-Now, Badghis, November 21, 2003.

20. Interview, Tajik woman, age 37, Guzara, Herat, August 25, 2003. Her husband sat outside the door to the house mumbling to himself, and did not notice the presence of our team.

21. Interview, Tajik woman, age 18, Qal-i-Now, Badghis, November 22, 2003.

22. Interview, Tajik woman, age 37, Guzara, Herat, August 25, 2003.

23. Karim Khurram, *The Customary Laws of Afghanistan*, part one, the International Legal Foundation (ILF), Kabul, Afghanistan, June 2003.

24. For example, Hakim Ayoubi, Da Paktia simy tamodi huquq (The Customary Law of the Paktia Province), in *Huquq* VII (Afghan periodical on law in Afghanistan) (cited in Ghani, op. cit., 1978, p. 269).

25. According to Esmatollah, a member of the Surghroud district Jirga in Nangarhar, the Khogyani people and some other Pashtun tribes consider *Bad* to be an un-Islamic practice.

26. Amnesty International, *Afghanistan: Re-establishing the Rule of Law* (London: Amnesty International, August 2003), 46.

27. Amnesty International, *Afghanistan: "No One Listens to Us and No One Treats Us as Human Beings": Justice Denied to Women* (London: Amnesty International, October 2003), 18.

28. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2001), 25.

29. Tufts team, field interviews, Balkh, Afghanistan, December 2003.

30. Tufts team, field interviews, Kabul, Afghanistan, October–December 2003.

31. "Report by the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on the situation of women and girls in Afghanistan," United Nations General Assembly, Fifty-eighth session, Agenda item 117 (C), October 2003 (A/58/421).

32. See, for instance, Human Rights Watch, *Taking Cover: Women in Post-Taliban Afghanistan* (New York: Human Rights Watch Briefing Paper, May 2002).

33. Amnesty International, *Justice Denied to Women,* 20.

34. Amnesty International, *Justice Denied to Women,* 32. Forced virginity tests, performed at random on women detained for being alone in public or with a man in public, are reportedly on the increase in western Afghanistan. See Human Rights Watch, *Repression of Women and Girls.*

35. Amnesty International, *Re-establishing the Rule of Law,* 40.

36. "Report by the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on the situation of women and girls in Afghanistan," United Nations General Assembly, Fifty-eighth session, Agenda item 117 (C), October 2003 (A/58/421).

37. Human Rights Watch, *Human Rights Abuses,* 29. Unlike such abuse against girls, sexual violence against boys does not affect their chances for marriage and, while still shameful, may do less harm to a family's reputation.

38. Ahmad Hanayesh, "A Terrible Tradition Is Back in Afghanistan," *The Guardian,* March 8, 2003.

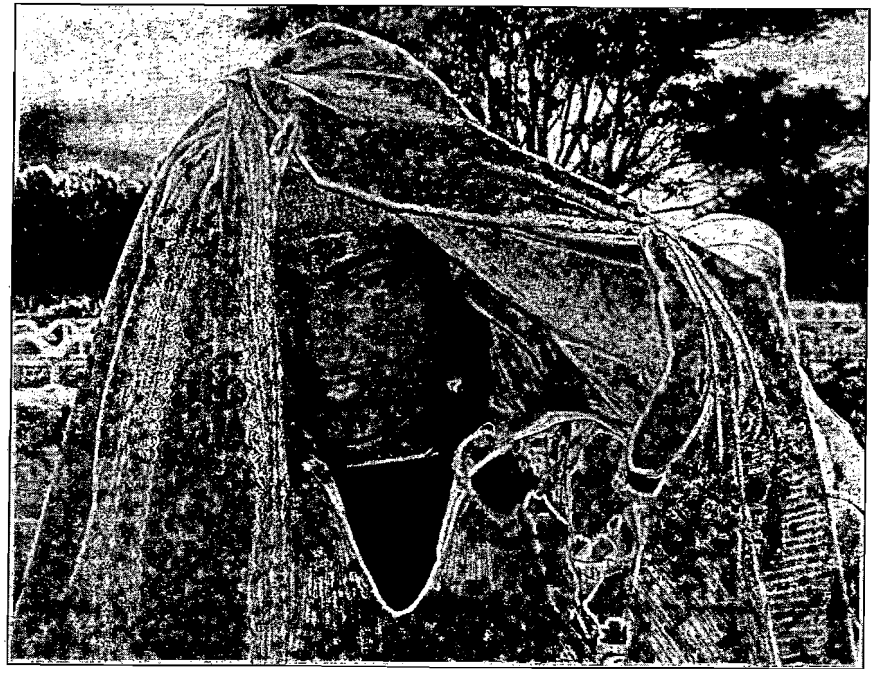

Figure 7.1. A young woman at the Blue Mosque in Mazar-i-Sharif asks the authors to take her picture and lifts her burka to smile for the camera. Photo by Elizabeth Stites.

7

Peace

In chapter 7, we discuss the divergent views on peace, with rural Afghan men in particular skeptical that peace exists or will hold for long in Afghanistan. Throughout, we see that both men and women stressed the importance of human security—access to education, health care, and improved livelihood options or economic opportunities—in creating security and peace in Afghanistan.

RURAL AFGHANS DEMAND PEACE AND DISARMAMENT

Findings:

- Rural Afghans interviewed in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces want an end to insecurity and the realization of peace.
- Many rural women in Badghis, Herat, Kabul, and Nangarhar provinces believe that Afghanistan is now at peace, while few of their male counterparts agree. In Kandahar province, the majority (>50 percent) of both rural women and men feel that Afghanistan is not currently at peace.
- There is widespread support among rural populations in Badghis, Herat, Kabul, Kandahar, and Nangarhar for disarmament of armed political groups, commanders, and their militias.
- Rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar consider human security necessary for achieving long-term peace.

Our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar spoke vehemently about the need for peace in Afghanistan. Significantly

Table 7.1. Opinions of Rural Afghans on If Peace Currently Exists, 2003

Province	Rural Women Say Peace Exists (%)	Rural Women on How to Achieve Lasting Peace	Rural Men Say Peace Exists (%)	Rural Men on How to Achieve Lasting Peace
Badghis	81	People should unite/ not fight each other	40	Disarmament/ end fighting
Herat	74	Disarmament	12	Disarmament
Kabul	97	Disarmament	13	Disarmament
Kandahar	33	Disarmament	13	Disarmament/ representative government
Nangarhar	47	Disarmament	35	Disarmament

Note: Based on the analysis of our primary data.

more women than men felt that peace currently existed in Afghanistan (table 7.1). This discrepancy in perceptions between women and men was particularly pronounced in Herat and Kabul.

We hypothesize that rural women in Herat and Kabul believe there is currently peace because they do not encounter open or armed conflict in their daily lives, as rural women rarely leave their villages and have limited access to public exchange of information. If their male relatives are not actively involved in conflict, if they are able to earn some income and provide for the family, and, perhaps most importantly, if the men and older boys in the family return home safely, then the women are more likely to perceive the situation as peaceful. Women in Herat and Kabul had the greatest discrepancies between men in their views of the current situation in the country. These provinces saw heavy fighting during the Soviet war, the civil war, and under the Taliban regime, and women were likely to be directly affected by these conflicts. In comparison, these areas are now peaceful, and women see little evidence of conflict in their daily lives and have little exposure to news from outside their villages.

In contrast to their counterparts in Herat and Kabul, women in Kandahar and Nangarhar are currently exposed to more obvious signs of conflict, such as the presence of Coalition soldiers and the activity of armed groups. This perhaps explains why there is a narrowing between the responses of women and men in these areas.

With the exception of Nangarhar, few men in Badghis, Herat, Kabul, and Kandahar felt that Afghanistan was currently at peace. Undoubtedly, this has to do with men's much greater exposure to public spaces and thus access to

current information, as well as their high levels of concern regarding their own physical safety.

Many people in our research population expressed concern about the militarized nature of Afghan society and stressed the importance of disarmament in bringing long-lasting peace. Nearly all respondents, both male and female, emphasized disarmament as the best way to sustain peace in Afghanistan. Calls for disarmament were particularly strong in areas that had witnessed a great deal of conflict and population displacement during the war years, as well as in those areas that were experiencing continued destabilization at the hands of local militias, such as Kabul and Kandahar. A woman in the former frontline area of rural Kabul province said: "To bring peace to Afghanistan people must collect the guns. If people have guns they are robbing others. If people don't have guns they cannot do these things and there would be peace."[1]

In Panj Wai, Kandahar, where militia activity has been high, a woman said: "All the weapons should be collected, a regular national army should be established as in the past, and the power of the gun should be reduced."[2]

The right of representation and political equality was raised as an important aspect in promoting peace and security. Pashtun respondents, especially in the south, emphasized the need for proportional representation of Pashtuns in the new government. They also voiced the need for an end to what is seen as discrimination against Pashtuns. One elderly man in Kandahar said: "National police should be established, militia should be disarmed, and Pashtun prisoners in the north should be released. Each ethnic group should get their share of power in the government according to their size of the population."[3]

Most rural Afghan women we interviewed in Badghis, Herat, Kabul, Kandahar, and Nangarhar have a very limited understanding of their rights, but some women emphasized their desire for better representation or improved equality between men and women. For instance, a woman in Kabul said, "Men and women must have the *same* laws."[4]

IMPROVED SECURITY EQUALS IMPROVED LIVELIHOODS FOR RURAL AFGHANS

People continually stressed the importance of access to education, health care, and improved livelihood options or economic opportunities in creating security and peace in Afghanistan. (Livelihoods are discussed in depth in part II of this book.) A woman in Kandahar explained that she wanted Afghanistan to have services and peace comparable to other countries. When asked what should be done to increase security and maintain peace, she replied: "What-

ever strategy is implemented by other countries for their own development should also be implemented here, like reconstruction of roads, hospitals, and schools. Education should be for women and men; each child should go to school. Arms should disappear and the country should be cleaned of antipersonnel mines."[5]

A woman in Herat went further in laying out the underlying necessary ingredients for a secure future for all Afghans:

> There must be civil rights and women's rights must be equal to men's rights. We need the government to be dedicated to helping people have clean water and good food. Women should be able to work in any occupation they want and have opportunities to be in the government like the men. . . . We will have peace in Afghanistan when there is no war between people and when women are able to move freely and work as they choose.[6]

Multiple threats to this vision of peace and human security in Afghanistan remain.

NOTES

1. Interview, Tajik woman, age 30, Mir Bacha Kot, Kabul, November 4, 2003.
2. Interview, Pashtun woman, age 50, Panj Wai, Kandahar, December 15, 2003.
3. Interview, Pashtun man, age 69, Panj Wai, Kandahar, December 13, 2003.
4. Interview, Tajik woman, age 65, Paghman, Kabul, October 9, 2003.
5. Interview, Pashtun woman, age 30, Daman, Kandahar, December 13, 2003.
6. Interview, Tajik woman, age 24, Guzara, Herat, August 25, 2003.

Part I Concluding Thoughts

Seeking Security

Rural Afghans tell us that threats to their human security are widespread and come from a much broader range of sources than only open fighting or armed groups. Policymakers and the international community may not always recognize or act on the experiences and perceptions of what threatens or improves the human security of rural residents, as demonstrated by the significant gap between the international experiences and perceptions of insecurity and that of rural Afghans.

At times, threats to the human security of rural Afghans come from the very institutions that are meant to protect people, most notably the police, military, and local government officials. Many rural Afghans have no faith in these institutions, which they consider to be corrupt, inefficient, and underresourced. In other instances, these institutions are totally irrelevant or completely unknown in the lives of rural Afghans, especially women. Even when rural people are aware of these institutions, they often have no ability to access them—again, this is particularly the case for rural women.

The perceptions of and experiences with the police by rural Afghans indicate that there is a long way to go in improving police responsiveness and efficiency. Efforts to train and expand the police are important, but cannot substitute for the enforcement of rigorous qualifications and standards of eligibility for participation in the police force and lines of command. Ties between former militia and their commanders must be systematically broken if the police system is to be reformed.

Human security for rural Afghans is multifaceted, and the various components link to each other, as well as to individual, household, and community livelihoods. For example, the threat posed by landmines and UXOs constrains mobility, as does militia activity or extortion by police on roads.

These constraints on mobility affect people's access to health care, education, and markets, and limit the ability of rural Afghans to realize a higher level of human security.

Overwhelmingly, rural Afghans say that the major obstacles to their human security are poor to nonexistent access to health care and education for themselves and for their children. Within this, gendered cultural and social practices regarding female mobility have a direct impact on the schooling of girls as well as access to health care by women. Constraints on female mobility are pronounced in rural areas. In turn, these cultural and traditional norms shape the character of the rural population. Female doctors are preferred by rural women, but professional and educated women are unlikely to be able or willing to travel or live in rural areas.

Girls and boys in rural areas also experience mobility in different ways, and these experiences have a direct impact on their access to education. For instance, the internationally financed Back to School program took gender norms into account when establishing rural schools and segregated these schools by providing different timeslots or classes for girls and boys. But the planners failed to take into account (or were unable to address due to financial constraints) that distance is gendered, and that girls may be unable to access the same schools as boys, because for the girls these schools are "too far" from the villages.

Rural Afghans prioritize sending *both* girls and boys to school, and both men and women talk about wanting to have their girls attend school. Education may therefore be a key avenue to improving the human security of girls, and eventually women, in Afghanistan. The importance of education for girls means that the issue of child brides—an issue that might otherwise be treated as a subcategory in terms of priorities for policymakers to address—must be understood as an impediment to girls' education and addressed head-on, because almost no child brides attend school.

Increased levels of violence against rural Afghan women, girls, and boys should be considered a national security threat. Recall that it was the abuse of women, girls, and boys and, by extension, the inability of men to protect "their" women, girls, and boys that opened the door for the Taliban to claim Afghanistan in the 1990s. That door appears to be opening again as sexual abuse by commanders and militias goes unchecked.

The systematic exclusion of rural Afghan women from involvement in civil, public, and political realms matters in the longer-term development process. The reconstruction or building of a state cannot be done in a just or sustainable fashion with the current obstacles that prevent the participation of most women in the political processes. Constraints on female participation are perhaps the greatest challenges facing those seeking to rebuild the state

of Afghanistan in a democratic and sustainable fashion. Nevertheless, Afghan women are a group that must be engaged for the sake of a democratic and stable Afghanistan. Our data find that women, as a whole, are a moderate voice, and are prioritizing the lynchpins of a peaceful, just, and sustainable statehood through their calls for disarmament, equal access to education and health care, and upholding of equal rights, including for ethnic minority groups.

Part II

Rural Afghans and Livelihoods

Part II examines countrywide and province-specific data regarding changes in human security and the livelihoods of rural Afghans after the fall of the Taliban. Chapter 8 presents specific data and analyses on the intersection among human security, natural resources, and the livelihoods of rural Afghans, and provides an overview of issues relating to water, land, livestock, fuel, orchards, and environmental degradation. Chapter 9 details and analyzes human security, livelihoods, and the various forms of labor and income generation used by rural Afghans in 2002 and 2003 to maintain themselves and their families. Part II uses 2003 NRVA data to demonstrate countrywide patterns and then uses data from our research in Badghis, Herat, Kabul, Kandahar, and Nangarhar to give breadth to a more nuanced understanding of the larger countrywide patterns apparent in the 2003 NRVA data.

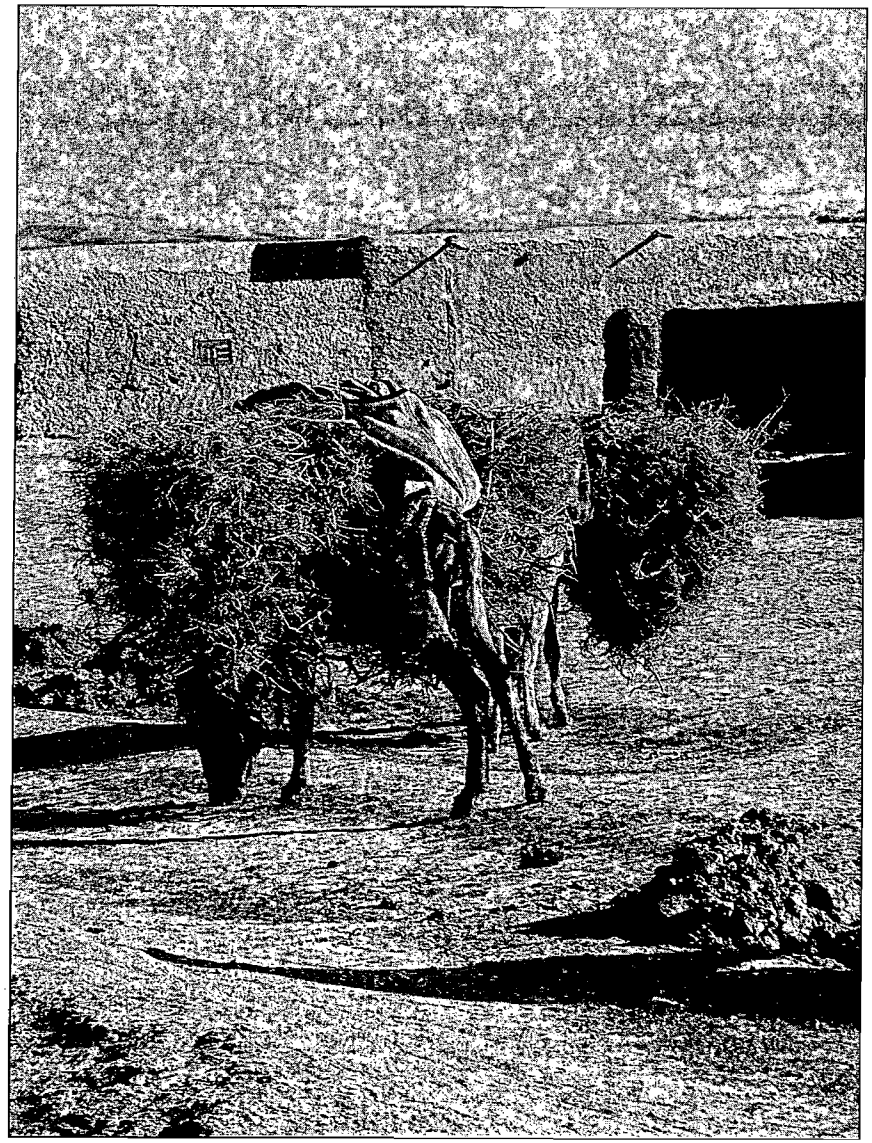

Figure 8.1. Men and children must travel long distances in search of brush for firewood, Balkh province. Photo by Elizabeth Stites.

8

Livelihoods and Natural Resources

Approximately 80 percent of Afghans lived in rural areas in 2004, and many officials, historians, and policymakers have stated that most Afghans depend upon agriculture for part or all of their livelihoods. The actual livelihood patterns in the rural economy are difficult to gauge without up-to-date figures on income streams, remittances, rural–urban and seasonal migration, and the increase in alternative livelihoods in rural areas. We do know that many (if not most) rural Afghans are dependent, in one way or another, on access to land and water for their health, livelihoods, and shelter needs. The need for access to land and water does not imply, however, that all rural Afghans are entirely or even primarily engaged in agricultural livelihoods. Nor does this imply that all rural Afghans own land or have secure access to land, as 2003 NRVA data, our data, and numerous other reports indicate that landlessness is a serious and growing problem in many areas of the country. However, even landless rural Afghans rely on water and natural resources for consumption or sale, and, in many cases, land on which landless farmers provide labor in exchange for payment in cash or food. Access to natural resources differs by region, geographical location, gender, ethnicity, and wealth. Conflict over access to land, water, and other natural resources appears to be higher in areas with high concentrations of resettlement of refugees or internally displaced persons.

Populations across Afghanistan have long been characterized as mobile and fluctuating. Conflict, violence, and unrest led to internal and cross-border population flows, and drought, poverty, and environmental hardship have pushed populations to move in search of better opportunities during the last three decades. Seasonal agrarian employment draws temporary migrants to certain regions, especially for the harvesting of high-paying cash crops such as poppy. Ancient traditions of transhumance and the seminomadic lifestyle of the *kuchi*

population add another dimension of mobility to the rural Afghan population. Periods of economic expansion in urban areas correlate to increased rural–urban migration, and the incentive of migration for employment is particularly attractive for men. Urbanization is on the rise as a result of the construction boom and the growing economy in some provincial capitals, with many refugees and internally displaced also moving to urban and peri-urban areas.[1]

WATER

Findings:

- Surface water (from rivers, lakes, canals, and irrigation ditches) is the primary drinking source for the majority (>50 percent) of rural Afghans countrywide.
- Forty-eight percent of districts report that their primary source of drinking water is contaminated, degraded, and polluted. Contamination, pollution, and degradation of water sources are among the most pressing issues currently facing rural Afghans.
- While some areas are reporting an end to the drought, most rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces report decreased water levels from 2002 to 2003. Water tables will likely need several years of normal or greater than normal precipitation to recharge to predrought levels.
- Water quality worsened from 2002 to 2003 for many rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar.

Afghanistan is an arid and semiarid country characterized by erratic rainfall and repeated cycles of drought. Rural and urban areas throughout much of Afghanistan suffer from inadequate, contaminated, polluted, or inconsistent water supplies. These conditions have been exacerbated by the severe drought from 1999 to 2003 and the destruction and neglect of infrastructure arising from decades of conflict, poverty, and population displacement.

A safe and consistent water supply is essential to the health and livelihoods of all Afghans. In a report published in December 2003, UNICEF states that a total of only 13 percent of Afghans have access to improved drinking water sources, with 19 percent access in urban areas and 11 percent access in rural areas. Only 12 percent of people throughout the country have access to adequate sanitation facilities, with rates of 25 percent in urban areas and 8 percent in rural areas.[2]

The link between food security and access to water has been established in previous studies.[3] Only 12 percent of land in Afghanistan is arable, but agricultural production accounts for 85 percent of the water use in the county.[4] The United Nations Environmental Programme (UNEP) estimated that in 2003, only 5 percent of the total land was irrigated and regularly cropped and 7 percent was rain-fed and cropped when there is sufficient precipitation.[5] While irrigated farming may be the most conspicuous and largest use of water, a reliable source of water is essential for nearly every livelihood, as well as for general health and well-being.

As of 2004, Afghanistan lacked a coherent policy or strategy for water management. Under the Afghan government, responsibility for water is fragmented between six different ministries, the Ministry of Irrigation, Water Resources and Environment; Ministry of Water and Power; Ministry of Rural Rehabilitation and Development; Ministry of Urban Development and Housing; Ministry of Agriculture and Animal Husbandry; and Ministry of Public Health. Jurisdiction among these ministries overlaps, and there is no central coordination mechanism for water affairs.

Water Quantity and Quality

Our analysis of 2003 NRVA data reveals that most rural Afghans (>50 percent) rely on surface water (rivers, lakes, canals, springs, irrigation ditches, and pools) for their primary source of drinking water (see map 8.1 on the book's Web page). Reliance on surface water is, in part, related to the drought and decreasing water tables and raises concerns regarding contamination, pollution, and degradation of drinking water sources.

The year 2003 brought better rains and improved crop yields in some parts of the country, but recovery from the drought was neither uniform nor complete. Much of Afghanistan, in particular the south, continues to suffer the effects of what is believed to be the worst drought in over a century.[6]

Groundwater tables have decreased substantially since 1998. To illustrate, a recent assessment estimates drops in water levels of up to 4.6 meters in Kabul province and up to 8 meters in Kandahar province.[7] These decreased aquifers will only be replenished through multiple and sequential years of nondrought conditions. In the interim, the wells in many households and communities remain dry for all or part of the year, and many people will continue to rely heavily on surface water sources for most of their water needs (see map 8.1 on the book's Web page).

Water Contamination and Degradation

Our analysis of 2003 NRVA data finds that 48 percent of rural districts report that their primary water sources are not reliably potable (not suitable for

drinking), with 12 percent reporting their main water source is never potable (see map 8.2 on the book's Web page).

Nonetheless, the lack of alternatives means that rural Afghans are often forced to continue using water sources that are not potable, which results in increased morbidity and mortality. Contamination, pollution, and degradation of water sources are among the most pressing issues currently facing rural Afghans.

A 2003 UNEP environmental assessment found that available sources of water are often contaminated. This is largely due to the scarcity of infrastructure and treatment facilities, absence of regulations for sanitation and dumping, and the poor condition of industrial facilities. Contamination comes from poor sanitation practices, waste dumps (including medical and industrial waste), chemical waste, and open sewers. UNEP found urban water sources to be commonly contaminated with *E. coli* and other coliforms, pathogens that cause cholera, and other waterborne diseases that are especially life-threatening for young children.[8] Sewage treatment facilities are rare in Afghanistan. The Afghan government's *National Development Framework* of 2002 estimates urban sanitation coverage to be at 23 percent and rural coverage at 8 percent. For example, most sewage in Kabul city flows directly into the bed of the Kabul River.[9] A 2003 study of conditions at three hospitals serving the provincial capitals of Herat, Mazar-i-Sharif, and Kandahar found use of contaminated water supplies for hygiene, surgery, and human consumption, and lack of proper disposal of medical waste with possible contamination of wells and water tables from the waste dumps.[10]

Industry and weapons are also point-sources for the pollution of Afghanistan's water supplies. There are no environmental regulations on Afghanistan's natural gas and oil industry, and refineries in Jawzjan, Herat, and Saripul are polluting or thought to be polluting the water supply in these areas.[11] Various warring factions placed weapons in some streams and wells over the last several decades of conflict, degrading the water sources or making access impossible or very difficult. We also received reports from rural Afghans of bombs hitting springs and wells and destroying irrigation and storage structures. Respondents said that these explosions left metal fragments that contaminated the water supply.[12]

Elsewhere, degradation of the water supply is caused not by human waste or man-made pollution, but by desertification and sedimentation. As lakes, rivers, and wetlands dry up, sand and dust is carried by the wind and fills and clogs wells, irrigation canals, and surface storage systems. This is particularly a problem in the Sistan basin and wetland areas in southwest Afghanistan.[13]

As of August 2003, USAID had supported 3,637 projects to improve the potable water infrastructure. These projects include the cleaning and rehabilitation of springs, digging wells and installing pumps, building catchment systems, and repairing distribution systems.[14]

Water Quantity Decreases

Data from our research show that between 2002 and 2003, most rural residents in Herat, Kabul, and Kandahar are facing decreasing water quantity for drinking, household, and agricultural use (table 8.1). The primary reasons given by respondents for decreased water quantity were poor rains and snows in parts of Herat and Kabul, and persistent drought in Kandahar. Lack of access to water leads to health crises through increased morbidity and mortality, as well as food and entitlement crises when crops fail and orchards, vineyards, kitchen gardens, and livestock are lost. For example, the district authority in Surobi district of Kabul relayed an account of a village that has two thousand vineyards but did not have a harvest in 2003 because of lack of irrigation water. The shortage of water was highly destructive for local livelihoods, and brought a loss of jobs, income, and resources for the local population.[15] A Pashtun woman from Panj Wai, Kandahar, explained, "Since there is drought and there is no water we could not cultivate. Therefore, we don't have any income except to take loans and borrow money."[16]

Rural Afghans have employed a variety of coping strategies to respond to continuing water shortages. These strategies vary, and may depend on region, ethnicity, gender, and wealth group. A common tactic for those with shallow wells is to "clean" or deepen the wells in an effort to reach the increasingly dropping water level.[17] Wealthier households or landholders may sink deep wells in their compound or near to their homes. Closer proximity to water sources also allows women to have greater privacy when collecting water and maintains the separation of men and women. In some areas, farmers are

Table 8.1. Rural Population Experiencing Changes in Water Quantity and Quality, 2002–2003 (in percentages)

Province	*Water Quantity Decreased*	*Water Quantity Increased*	*Water Quality Worsened*	*Water Quality Improved*
Badghis	24	49	24	29
Herat	46	31	35	8
Kabul	62	35	16	15
Kandahar	71	11	34	7
Nangarhar	1	47	22	19

Note: Based on the analysis of our primary data.

pooling resources for electric water pumps to provide irrigation water for their fields, but many are then unable to afford the sale or rental costs of the pumps or the diesel for their operation.[18] The use of the pumps for irrigation over a sustained period of drought is likely to lead to further reductions in the water table.

Coping strategies used by villagers to counter decreasing water levels can pose threats to human security. For example, in a remote village in Farsi district, Herat, we were invited to look at a well that had been repeatedly deepened to try to access falling water levels. The well was already so deep and its walls so narrow that its bottom could not be seen when standing over it. We were told that the well would need to be deepened again and that villagers would lower small boys on handmade ropes into the well to dig it out.[19]

Water Quantity Increases

Some areas we visited did report increases in their water levels since 2002. This was the case for a third to one-half of rural residents in Badghis, Herat, Kabul, and Nangarhar, and villagers reported that the increases were primarily due to more snow and rain (table 8.1). Increased precipitation played the most significant role in increasing water levels. However, intervention by international and national agencies in repairing damaged *karizes* and installing new pumps and wells was also reported as contributing to increased water quantity by 10 to 15 percent of rural residents in Badghis, Herat, and Kabul provinces who reported increased water quantity. Importantly, these figures are identical to the percentage of residents who reported that they received assistance for water sources, which means that among our sample the water projects were overwhelmingly successful in increasing water quantity (see Humanitarian and Development Assistance in chapter 10). To date, USAID has provided funding for the improvement or repair of nearly 8,000 irrigation projects that have affected 170,000 hectares of land.[20]

Notably, most areas within our study population that reported increases in water have seen only slight increases, and the extra water is usually only enough for drinking, not for cultivation.

Water Quality Decreases

Up to a third of rural residents in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces said that the quality of their water in 2003 had changed since 2002, with most reporting worsening water conditions, including water that was brackish, salty, dirty, and made people sick (table 8.1).[21] For example, in one remote village of seminomadic *kuchis* in Farsi district, Herat, all of the

residents reported being ill from the water, which was yellowish in color and had a foul smell. The poor water quality had a number of direct impacts on the human security of the population. For instance, nearly all informants stated that they were unable to carry out their work due to illness and many linked their illnesses to the decline of their water quality. The poor quality of water also played a role in maternal and child health, and some of the young mothers reported that they felt too ill to breastfeed their babies, some of whom in turn appeared to be malnourished, weak, and feverish.[22]

Some rural residents of Badghis, Herat, Kabul, Kandahar, and Nangarhar reported improved quality of water, citing water that was cleaner, clearer, and tasted better (table 8.1). Not surprisingly, all these communities also reported increased water levels.[23] In some cases, international or national agencies had a central role in improving the quality of the water in villages. For example, in Qal-i-Now district, Badghis, the installation of a new well by an international agency in the summer of 2003 meant that the village residents no longer relied on surface water for their drinking, bathing, and household needs. Prior to the installation of the well, the village water source was a nearby river that runs through the district center and then downstream to their village. We noted the river was contaminated with raw sewage from animals and humans, garbage, and oil and diesel from vehicles.[24]

Many rural Afghans rely on wells with hand pumps or electric pumps to access water tables, especially in the south of the country (see map 8.1 on the book's Web page). Installation of new or deeper wells without a thorough assessment of the potential impact on the aquifer can cause serious problems and conflict within and among communities. According to UNEP's recent postconflict environmental assessment, the most serious ramification of the lack of a comprehensive national strategy comes from the uncoordinated drilling of deep wells without consideration of the possible effects on shallow wells and other water sources.[25]

Like the national government, humanitarian assistance programs lack a coherent or shared framework for water interventions. There are numerous accounts of organizations drilling deep wells to provide water for a community, sometimes as an emergency intervention, only to find that the shallow wells in the surrounding area dry up as the water table drops further and more rapidly. The sinking of private wells and boreholes can also have the same effect. Wealthier households or farmers are more likely to sink private wells and, as a result, the poorer households are the most likely to find their wells or other water sources running dry. In addition, decades of conflict in rural areas and subsequent population upheavals have resulted in irrigation systems (including wells, canals, storage facilities, and traditional *kariz* systems) that are in disrepair, and these poorly maintained systems lose much water through leakage.

Few rural Afghans in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar were concerned about security on the route to access water or the time required to collect water. Almost the entire study population (95 percent) felt that their route to get water was secure. The majority (>50 percent) of the study population was able to access a water source and nearly 80 percent could fetch their water in one hour roundtrip or less.

Water Control, Access, and Conflict

The majority (>50 percent) of the water sources in Badghis, Herat, Kabul, Kandahar, and Nangarhar are controlled by either the respondent's household or the community as a whole (table 8.2). The control, availability, and location of water sources can affect the division of labor and the nature of tasks performed by different household members. Within these labor divisions, gender considerations may play a central role in the decisions of rural Afghans to sink private wells. A recent report, though limited in scope, found that maintaining *purdah* (the seclusion of women from men) was the main reason cited for using a private well in a village in Herat. The same report showed that in locations where the community shared a well or water source, the timing of the use of the well by gender was arranged to ensure that females would not come into contact with men from outside of their families.[26]

Families may prefer to control their own water source for a variety of reasons (including gender, convenience, and security), and community-controlled water sources require greater negotiation and awareness of communal and gender relations. In some instances, however, wells are controlled by third parties such as local landlords or wealthy families, and, in such cases, individuals or households are less likely to be able to influence usage and access.

Years of war have led to shifts in traditional decision-making mechanisms, including the erosion or corruption of the system of local water management

Table 8.2. Agents Controlling Water Sources for Rural Residents, 2002–2003 (in percentages)

Province	*Own Household*	*Community*	*Wealthy Landowners or Commanders*
Badghis	37	61	0
Herat	19	76	3
Kabul	20	57	4
Kandahar	67	21	9
Nangarhar	6	90	0

Note: Based on the analysis of our primary data.

at the village level in some areas.[27] Traditionally, farmers elected a *mirab* (water master) to manage the distribution and use of water and to serve as the liaison with the appropriate government water authorities.[28] Local institutions in some areas evolved in the face of conflict, especially as local commanders and armed groups assumed control over regions. For instance, research undertaken by AREU in 2003/2004 in two districts in the north of the country shows that while village water management systems themselves remained relatively intact, the rules that governed the distribution of water within these systems were severely challenged or broke down entirely.[29]

Additionally, military leaders who took control in certain areas were often not aware of (or not concerned by) regional water concerns or the needs of the water infrastructure. The balance shifted away from a system that was able to take into account the needs of the larger region (for instance, the presence of a downstream community), and water usage was increasingly determined at the micro or village level. This more localized system combined with the four-year drought resulted in a growing number of conflicts between communities over water.[30]

In Badghis, Herat, Kabul, Kandahar, and Nangarhar, we found a few local *mirabs* still active in determining water allocation in some areas, but it is unclear if these positions had been in place throughout the conflict or had only recently been revitalized. In some areas, the system of local or community control over access to water has been supplanted by the influence of local commanders, militias, or wealthy (often absentee) landowners. By controlling, regulating, or affecting access to water, these local strongmen have a great deal of influence over the human security and livelihoods of the rural population in their area. In some instances, the control over water is based on wealth and subsequent ownership of a water source (or area immediately surrounding a water access point).

For instance, in Mir Bacha Kot, Kabul, we visited a village where the water source was controlled by a wealthy landowner who did not regularly reside in the district. Households could request and receive permission to access the water when the landowner was present, but otherwise had to travel up to four hours to fetch water from another location.

In other instances, control of water is based on political and military power, and this power is exerted over other areas through the control of water. In Rodat, Nangarhar, we witnessed a politically and militarily powerful village using generators to pump water from deep wells to fill irrigation canals and to provide water for fields and trees. Nearby, in a poorer, smaller village, the canals were dry, trees were dead, and sheep were being watered individually out of metal mixing bowls sold in the markets and normally intended for human use.[31] These examples from Mir Bacha Kot and Rodat illustrate that it

Table 8.3. Conflict over Water or Land, 2002–2003 (in percentages)

Province	*Household Conflict*	*Community Conflict*
Badghis	2	6
Herat	21	6
Kabul	2	4
Kandahar	17	19
Nangarhar	9	9

Note: Based on the analysis of our primary data.

is in the interest of leaders to ensure control over water sources in order to maintain influence over local populations.

Water and access to water is often politicized and closely relates to control of and access to land. We found that family and community conflict often centered on issues of land, especially as it related to water access and usage (table 8.3).

According to district officials and prosecutors interviewed, conflict over land and water issues led to murder in Kabul and Nangarhar provinces.[32] In Pashtun Zarghoon, Herat, we were told of increased tensions between a small upstream community and a much larger downstream community each planting season as the two groups vie for scarce water for irrigation.[33] However, fighting directly at the water site was more unusual, with only the occasional report of disagreements at the water source arising from a limited water supply; in some cases over 150 to 200 families were reliant upon one well.

LAND

Findings:

- Between 22 percent and 42 percent of the rural population in Badghis, Herat, Kabul, and Kandahar provinces do not work agriculturally or on the land, making it incorrect to equate "rural" with "agricultural" in all instances.
- Access to land has decreased between 2002 and 2003 for 27 percent to 40 percent of rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces primarily because of continued lack of precipitation.[34]
- Access to land and property disputes are the primary sources of conflict in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces.

Land in Afghanistan is a complex and contentious issue. Although land is most commonly thought of as an input for agricultural production or raising livestock, the value of land in society goes much further than its worth as an input in crop production. Land plays a role in the political and social status of rural Afghans. Land acts as both the material and space for shelter in urban and rural areas. It provides supplements or staples for nutritional intake or cash sale through kitchen gardens, orchards, vineyards, and fields. Land increasingly plays an important role in cultivation and eventual sale of opium poppy, an important cash crop. Land also serves as a public good as pasture for animals and the source of fuel for cooking and heating. It defines the lifestyle of nomadic and seminomadic populations. And it provides important natural resources such as timber, brush, waterways, wetlands, and wild fruits, vegetables, and medicines.

Although not all rural Afghans are engaged directly in agrarian livelihoods, consistent and secure access to healthy land is essential to the livelihoods of many rural Afghan households for some or all of their livelihood inputs. While the political and social aspects of landownership are critical to long-term stability and development in Afghanistan, the more pressing concern for the average rural resident is land access and the condition of that land. Our research shows that together land access and land quality (determined largely by reliable access to potable water and water for irrigation) underpin the socioeconomic position of most rural Afghans.[35]

Landownership, Control, and Access

Ownership or control over large landholdings bestows power and authority in Afghanistan. Government authorities and military leaders have long provided preferential access to land as a reward to certain population groups and supporters, and have levied heavy land taxes against groups who were in political or social disfavor. For instance, Hazaras in Bamyan province faced an increasingly heavy tax regime in the late 1800s and continued to have their land reclassified as "government property" in the twentieth century.[36] In contrast, Pashtun nomads were given preferential access to pastureland by the Pashtun leaders in the twentieth century, often at the expense of non-Pashtuns from whom the land had been expropriated.[37]

Shifts in political control in a given area will often result in a change in land-holding or access. Thus, after the fall of the Taliban regime in 2001, some Pashtuns in the north were driven from their land in retaliation for presumed affiliation with or sympathy for the Pashtun-dominated Taliban.[38] Localized shifts in control continued at the time of our research, especially in the north, as local commanders vie for control of a given area or extort resources

Table 8.4. Changes to Access to Land for Cultivation, 2002–2003

Province	Do Not Work Agriculturally (%)	Access to Land Decreased (%)	Primary Reason for Decrease	Access to Land Increased (%)
Badghis	22	27	Poor precipitation	20
Herat	30	27	Poor precipitation	1
Kabul	42	30	Poor precipitation	8
Kandahar	39	40	Poor precipitation	1
Nangarhar	1	29	Sale of lands	6

Note: Based on the analysis of our primary data.

from a particular ethnic group.[39] Throughout the country, *shuras, Jirgas,* and courts are often faced with multiple land claims to a single piece of land with numerous land claimants holding (at one time) official deeds.[40]

Rural populations in Afghanistan are often assumed to be engaged primarily or exclusively in agriculture. While our research and 2003 NRVA data confirm that the majority (>50 percent) of rural Afghans work at some time of the year in agriculture, it appears that a proportion of rural Afghans do not engage in any agricultural activities, as demonstrated in Kabul, Kandahar, Herat, and Badghis provinces (table 8.4). Those that do engage in agriculture often have diversified incomes and do not rely exclusively on agricultural production for their livelihoods (see chapter 9 on labor and income).

Reasons for changes in access to land or the ability to cultivate land from 2002 to 2003 varied. In our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, relief from drought and/or adequate water were the principal reasons that people who have access to land were able to cultivate their land in the 2002 to 2003 period. For example, in Nangarhar, where rural residents overwhelmingly reported increases in precipitation (see previous section on Water), nearly all (97 percent) rural people who had access to land cultivated the land in the 2002 to 2003 season.

In contrast, drought was the primary reason why 40 percent of rural people in our study population in Kandahar who could access land did not cultivate those lands in the same period. Likewise, in Herat and Kabul, the primary reason for reduced cultivation or lack of access to land was continued drought, lack of precipitation, and poorly timed rains.

People also saw decreased access to land for financial or economic reasons. For instance, many rural Afghans in our study population in Badghis reported reduced access to land mostly due to continued drought or poorly timed rains, followed closely by the sale of their land and having to lease/rent/mortgage

their land. In Nangarhar, rural Afghans who were unable to access their lands said that this was due primarily to the sale of their land or to leasing/renting/mortgaging of their land.

Our data show that agricultural cultivation in Kabul increased from 2002 to 2003, but this increase does not seem to be directly linked to increases in rain or snowfall. Other key factors, such as the return of displaced persons and refugees, urban to rural migration (often by those who can no longer afford the high cost of living in Kabul city and Pakistan), NGO assistance, and Afghan culture play important roles. For example, in some parts of Musayi district, Kabul province, people irrigate their land by water pump and tube wells made available by NGOs with local contributions or purchased out of pocket. This system is not always beneficial, according to men in Musayi who explained that the running cost of the tube well (as paid by the farmer) can be greater than the sale price of the yield. Cultural pressures also appear to be playing a key role in cultivation of land in this instance. When asked why they were cultivating land if the water costs were higher than production gains, the Musayi men informed us that men who do not plant their lands are perceived as weak by others in the community.[41]

Land is an extremely important economic asset. Families will often take loans against the value of their land as a coping strategy in times of hardship or crisis, as occurred throughout the 1999–2003 drought.[42] Debts against land mount quickly as successive harvests fail, and many families are unable to reclaim the mortgaged land.[43] However, debt and increases in debt in 2002–2003 remained a problem for many families (see Debt and Credit in chapter 9). We hypothesize that it is unlikely that families with heavy debt burdens have been able to reclaim mortgaged land in the interim.

Landlessness

Rural landlessness occurs throughout Afghanistan and tenure insecurity is high. Landlessness varies from one area, population group, agro-economic zone to the next, but WFP Afghanistan estimated nationwide landlessness to be at 21 percent in the 2002–2003 season.[44] Many people do not own land, or they do not own enough land to support their families through agriculture. Sharecropping and renting of land is common, as is wage labor on other people's farms. These sorts of tenancy arrangements provide livelihoods for large numbers of landless or nearly landless rural Afghans. For example, research by Liz Alden Wily in Bamyan province found a high correlation between landlessness and destitution. Poverty was especially severe for those who worked as farm laborers. Alden Wily found that most of the landless in Bamyan were unable to support their families for a full year through the sale

of their labor, and therefore they resorted to begging, borrowing, or carrying over debts with the landlord from one season to the next.[45]

Landlessness is a particular problem for returning refugees. In 2002, UNHCR reported that 74.3 percent of returnees did not have access to farmland.[46] Likewise, our research and our analysis of 2003 NRVA data show significant numbers reporting no access to agricultural or pastureland (see also Livestock later in this chapter). The extent of landlessness increased during the drought years and is likely to continue to rise as former refugees and internally displaced persons resettle. Although rural livelihoods are diversifying (see chapter 9 on labor and income), landlessness is closely linked to indebtedness and destitution. In a seminal report on land tenure in Afghanistan, Liz Alden Wily explains that the widespread and deepening tenure insecurity is driven by a "history of rural production that builds on deeply inequitable relations within the community with regard to access to and rights over land and water." She continues: "Symptoms include crushing indebtedness, landlessness and, more recently, destitution, all of which carry abundant seeds for sustaining conflict. This is decreasingly being relieved by traditional social reciprocity, which shows signs of being in demise. The majority poor may decreasingly rely on the rich to keep them housed, fed, or landed."[47]

Importantly, while studies point to growing landlessness, policymakers and aid agencies continue to emphasize agricultural production as the engine for rural economic growth. Alden Wily cautions that "plans to increase agricultural productivity ignore the fact that most farmers are landless and without the resources to start farming."[48] Improved agricultural production may employ more wage laborers (in the continuing absence of mechanized farming), but lack of tenure security and inequality will continue or worsen, thus calling into question programs that focus primarily on increasing agricultural productivity without an understanding of these risks and inequalities.

Returnees and Land Disputes

Large numbers of refugees, many of whom had been outside the country for years or decades, have returned to Afghanistan since the fall of the Taliban regime. Returnees are finding their orchards and vineyards destroyed, their houses occupied or razed, their wells dry or contaminated, and their irrigation systems in shambles. Access to fuel and water is often difficult. As people return, disputes arise over property and access to scarce natural resources. Exiles also may bring new wealth and new ideas about the appropriate political or social order.[49]

A 2002 study of three rural villages found that new dynamics are emerging regarding patron-client relationships, tenancy, and power within communities. The resulting transitions in rural society reshape long-standing patterns of land access and ownership.[50] Our research found evidence of similar shifts caused by the possibility of return from exile. For instance, tenants in Musayi district, Kabul province, expressed concern that the owner of the house and land they had occupied for decades would return from Pakistan and evict their family.[51]

Property disputes are on the rise in areas due to the large number of returning refugees and resettling internally displaced persons. Throughout our research sites in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar, property disputes were cited as one of the main concerns of district leaders and among the main legal issues facing court officials. Disputes are most often settled at the local level, through mediation by a neighbor, a village member of high social status (such as a landowner or shopkeeper), the village leader, or the village *shura*. Disagreements over land that cannot be solved are referred to the district authority who may settle the disputes himself or decide to turn the case over to the district *shura* or the district courts.[52]

Resolving disagreements over land can be extremely difficult, as multiple and competing claims often exist to the same plot or dwelling, each with its own historical legitimacy. Identifying the correct "owner" of the land is complex, especially in the absence of a codified land law under the new Afghan administration. There are numerous preexisting statutes relating to land under civil, Islamic, customary, constitutional, and traditional legal codes, but as of 2004 there was no national consensus on land policy and no ministerial-level department to manage land issues.[53]

To illustrate, a large number of returnees have arrived in Kabul province since the fall of the Taliban, and the stress on land and local populations is apparent. Large numbers of people fled Paghman district during the heavy fighting in the Soviet era. In 2003, many families were returning and attempting to reclaim their houses or land, often resulting in property disputes with the present occupants or owners.[54] The influx of returning refugees also places heavy stress on existing shelter capacity. Villages were destroyed in entirety in some areas of Kabul and Badghis provinces and returnees must start from scratch to rebuild their homes. Yet most returning families lack access to land or the money to build new houses. Many move into existing family compounds; we found households with almost forty people living off the income of a single wage earner and small kitchen gardens.[55]

In other areas, such as Surobi, Kabul, an area considered highly insecure by the UN, we were told that people have opted not to return from Pakistan because they have heard that there are no houses, jobs, schools, or clinics. The assistant district authority said that only 20 percent of the original population had returned to the district as of late 2003. This is a major problem, he

explained, because security in the district will only improve once people have returned to the abandoned areas.[56]

Gender and Landownership

Disputes over property commonly incorporate questions of inheritance and gender.[57] A family may be considered the owner of a piece of land, but rights to the land usually lie with some or all of the adult men of the household.[58] Large families with limited property struggle to provide adequate land as inheritance to their sons. In turn, the sons struggle to support their own families on shrinking plots of land.[59] Although women's inheritance of land is provided under *Sharia* law and is included in some of Afghanistan's civil codes, Afghan women usually have inferior land rights and in some areas may not be able to own land at all. Based on research in Muslim societies by the scholar Moghadam, Afghan men "exercised control over women in two crucial ways: by controlling marriage and property and by barring landownership for women (contrary to Islamic law and the actual proactive in many other Muslim countries)."[60]

Alden Wily's research confirms Moghadam's point, as she found that few Afghan women have title to land and that daughters often are pressured to cede their claims to land to their brothers to prevent loss of family land through marriage.[61] Women's lack of formal title to land can be a particular problem for returnee widows trying to access former homes and plots, although a 2004 report based on research in two districts in northern Afghanistan shows that in some cases widows may have more secure rights to land than other women.[62]

LIVESTOCK

Findings:

- Livestock holdings decimated by the drought continued to decline from 2002 to 2003. Villages in 58 percent of districts countrywide reported decreases in livestock ownership in this period. In 28 percent of districts countrywide, the majority (>50 percent) of rural Afghans report a decrease in livestock ownership in this period.
- Even given current reduced herd size, it is unlikely that pastureland can withstand greater livestock pressure (i.e., increased livestock numbers) due to years of environmental degradation and drought which will require years to recover.

Table 8.5. Changes in Livestock Holdings of Rural Afghans in 183 Villages, 1998–2002

Livestock Type	*Average Holdings per Household, 1998*	*Average Reduction in Holdings, by mid-2002 (%)*
Cattle	9	70
Sheep	18	77
Goats	10	72
Horses	<1	82
Camels	<1	86
Donkeys	2	55
Chickens	16	36

Note: Based on ICARDA study data. Thomson, Barker, and Mueller, *Drought, Livestock Losses*, iv. This assessment conducted rapid diagnostic surveys in 183 villages in five provinces (Herat, Balkh, Kunduz, Ghazni, and Laghman) in mid-2002.

The Effects of the Multiyear Drought on Rural Livestock Holdings

Prior to the Soviet invasion in 1979, livestock and products made from livestock (carpets and rugs) accounted for 25 percent of the country's exports and played a major role in the livelihoods and food security of the predominately rural population.[63] Livestock holdings fell by an estimated 50 percent during the Soviet war, but recovered in the 1990s as returning refugees brought livestock from Pakistan and Iran. The World Bank reported that by 1995, cattle, horse, and camel holdings had attained prewar levels and the numbers of sheep, goats, and poultry were substantially higher than in 1978–1979.[64] The drought that began in 1998 reversed this process of recovery, often devastating livestock herds (table 8.5).

Reductions in livestock following the onset of the drought were due to sale, death, or emergency slaughter as people struggled to cope with food insecurity and increasing destitution. Families sold animals on the market at drastically reduced prices or slaughtered animals that they could not feed.

Our analysis of 2003 NRVA data shows that villages in 58 percent of districts reported a decrease in livestock ownership in the last year. Moreover, in 28 percent of districts, the majority (>50 percent) of rural Afghans report a decrease in livestock ownership from 2002 to 2003 (see map 8.3 on the book's Web page). It is important to note that livestock numbers have not necessarily improved in those districts that show 0 percent of villages reporting decreases in livestock. Respondents to the NRVA survey reporting "no change" in livestock ownership from 2002 to 2003 may have no animals, sickly but stable animals, or healthy and multiplying herds.

The loss of animals can have profound effects on health and livelihoods. Dairy products, eggs, and meat disappear with the loss of livestock. The sale or death of oxen, donkeys, horses, and camels reduces draft power and decreases the options for transportation to markets and medical facilities. In some cases, the loss of livestock comes as the final blow for destitute families who are then forced to leave their villages and move to urban areas or internal displacement camps.[65] As of late 2003, the drought had lifted or eased in parts of Afghanistan, but most households were still without significant numbers of livestock.

In Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, rural people reported continued decreases in their livestock into 2003 (table 8.6). Death and sale of animals were the main reasons for the decrease. Most families lack breeding animals (due to death or sale), as well as the financial resources to restock their herds or even to purchase a cow or goat for dairy production. Some families have sold animals in order to pay debts or to acquire cash for other needs such as medicine and food. A woman from Badghis explained: "In the time of the Taliban we had lots of sheep but we sold them all due to the drought. Now we have spent all that money and none is left."[66] Some areas, especially Herat, Nangarhar, and Kabul, did see an increase in livestock holdings in the 2002–2003 period, but these increases were mostly insubstantial in number (usually the addition of one or two more animals). However, households that did report an increase in animal holdings said that births were the primary reason for the increase (table 8.6). A rise in birth rate may indicate improved animal health for some rural Afghans.

Pastureland

Our analysis of 2003 NRVA data finds that villages in 42 percent of districts countrywide reported some decrease in availability of grazing land in the

Table 8.6. Change in Livestock Holdings, 2002–2003

Province	*Livestock Decreased (%)*	*Primary Reason for Decrease*	*Livestock Increased (%)*	*Primary Reason for Increase*
Badghis	41	Death or sale	4	Purchase or birth
Herat	24	Death or sale	19	Birth
Kabul	36	Sale	11	Purchase
Kandahar	44	Death	1	Birth
Nangarhar	66	Death or sale	18	Birth

Note: Based on the analysis of our primary data.

2002–2003 period, while 20 percent of villages in districts countrywide reported a decrease in availability of grazing land for most (>50 percent) of the villages within the districts (see map 8.4 on the book's Web page).

We also found that even those with livestock who reported change saw their access to pastureland reduced from 2002 to 2003, primarily because the condition of the land had worsened (table 8.7). Notably, after multiple years of drought, soil erosion, unsustainable and poor livestock practices, unsustainable grazing practices, and increased desertification, much of the country lacks adequate pastureland or vegetation to sustain large livestock herds. Although livestock numbers have been relatively low in recent years and cultivation has been minimal due to the drought, the environmental degradation in much of the country results from decades of unsustainable practices and the present conditions will require decades to recover.

Overgrazing is a major contributing factor in desertification which, as explained below, occurs gradually as arid lands lose critical groundcover faster than it can rejuvenate:

> Desertification is not, as the term may suggest, the wholesale advance of sand dunes. Rather, the process operates in blots and splotches to eliminate the ability of arid lands to support life. The chief characteristics of desertification are loss of topsoil through erosion and wind, salinization of surface water, and loss of native vegetation. Water storage is also affected.[67]

Conflict over rights to pastureland occurs in some regions, especially between settled populations and nomadic or seminomadic *kuchi*. In some areas,

Table 8.7. Change in Access to Pastureland, 2002–2003

Province	*Do Not Have Livestock (%)*	*Pastureland Access Decreased (%)*	*Primary Reason for Decrease*	*Pastureland Access Increased (%)*	*Primary Reason for Increase*
Badghis	8	4	Death of livestock	22	Good snows and rains
Herat	27	17	Land quality too poor or death	13	Good snows and rains
Kabul	30	28	Land quality too poor	3	Good snows and rains
Kandahar	0	32	Death and land quality too poor	0	NA
Nangarhar	0	4	Land quality too poor	18	Good snows and rains

Note: Based on the analysis of our primary data.

pastureland was converted by the wealthy commanders into cash-crop farms. Secondary reports tell of conflict over pastureland, especially in poor areas with problems of land scarcity and landlessness.[68] Those without access to land may wish to alter land use patterns and convert pastureland into fields for cultivation, and the rules governing common property resources (such as pastureland) have eroded due to fierce competition over increasingly scarce resources.[69]

In other areas, however, we found improved access to pastureland from 2002 to 2003, particularly in Badghis and Nangarhar. In nearly all instances, improved access to pastureland was due to improved health of pastureland brought by increased rain and snow (table 8.7).

ORCHARDS AND VINEYARDS

Findings:

- In Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, the majority (>50 percent) of rural Afghans who have orchards or vineyards saw no change in the health of their orchards and/or vineyards in the 2002 to 2003 period. This does not necessarily mean that these orchards and or vineyards are productive, since many orchards and vineyards were destroyed during the war or stopped producing fruit during the drought.
- Of the rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar who did see change in orchard or vineyard health, most reported declines in the health of their trees and vineyards, primarily due to lack of adequate water.

Orchards, vineyards, and wild fruits have traditionally provided rural Afghans with cash crops and important dietary supplements. But many household orchards, other fruit-bearing trees, vineyards, and shrubs have been lost to fighting and fuel strategies, or have died due to disease or drought.[70] Recovery of these trees and vineyards will take sustained periods of time and investments by households.

Fruit trees and vineyards suffered during the drought years. Fuel was in short supply during the drought, and some people resorted to harvesting the wood from their fruit trees or vines for fuel. As explained to us by a woman in Farsi district, Herat, "We had to cut down the orchards because they all died due to the drought. We then sold them as firewood."[71] In some instances, people may simply have removed dead wood or limbs from the trees. This sort of pruning does not necessarily have negative long-term consequences under normal conditions, but the continuing drought meant that there was little

Table 8.8. Changes in Orchards' or Vineyards' Health, 2002–2003

Province	*Do Not Have Orchards or Vineyards (%)*	*Health Decreased (%)*	*Primary Reason for Decrease*	*Health Improved (%)*	*Primary Reason for Improvement*
Badghis	84	14	Lack of water and pests	2	Good snow and rain
Herat	73	22	Death due to lack of water	0	NA
Kabul	50	26	Lack of water	16	Repair of irrigation
Kandahar	56	39	Lack of water	0	NA
Nangarhar	100	NA	NA	NA	NA

Note: Based on the analysis of our primary data.

regrowth. In other cases, however, people reported pulling up roots of trees or vines that had died (or were perceived to have died) and using the roots for firewood or sale. Many orchards and vineyards in the south and southeast region of the country were completely wiped out during the drought, and lack of water and irrigation continued to be a problem in these areas in 2003.[72]

Our data shows that the majority (>50 percent) of rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar do not own orchards or vineyards (table 8.8). Fruit trees and vineyards are best suited to irrigated land, but the vast majority of rural Afghans—particularly the poor—are more likely to have access to rain-fed than to irrigated land. Also, many rural Afghans lack sufficient land or the security of tenure to warrant a long-term investment in planting or caring for orchards.

The majority (>50 percent) of respondents in our study population who owned orchards or vineyards reported that there was no change in the health of their trees or vines. Of those reporting change, most said that the health of their orchards or vineyards had declined from 2002 to 2003, mainly due to lack of water (table 8.8). The province in our study population with the greatest improvements was Kabul (16 percent), and this was due primarily to the improvement of irrigation systems, which was at times assisted by international aid agencies (see Humanitarian and Development Assistance in chapter 10).

The alleviation of the drought in 2003 in some areas may improve the health of the orchards and vineyards over the medium to long term, but households are unlikely to see short-term improvements in tree health and fruit production, and thus these changes do not appear in our data.

The harvest and sale of nuts provides an important source of income for some rural Afghans. For instance, harvesting and processing pistachios is the primary

economic income for many rural men and women in western Badghis. However, a 2003 study shows that pistachio trees in the area were being harvested for fuel, as villages were only able to meet half of their fuel needs by gathering brush and animal dung. Wood from pistachio trees met the other half, equating to twenty to forty pistachio trees per family per year, with little evidence of attempts at replanting or seedling growth.[73] Unsustainable fuel use practices are discussed in more detail below, but this example from Badghis illustrates the ways in which the drought has exacerbated unsustainable harvesting practices, resulting in negative effects on household livelihoods.

FUEL

Findings:

- Thirty-seven percent to 73 percent of rural populations in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces report continued and increased difficulty obtaining fuel for cooking, heating, and lighting from 2002 to 2003.
- Decreases in brush, the primary form of fuel for heating and cooking among rural Afghans, is the result of environmental degradation, unsustainable harvesting and grazing practices, and lack of precipitation.

Given the environmental degradation and drought facing rural Afghans in many areas in the period after the fall of the Taliban, it is not surprising that some rural populations are experiencing continued or increased difficulty obtaining regular access to fuel for cooking, heating, and lighting. Our analysis of 2003 NRVA data and our data find that the majority (>50 percent) of villagers rely on brush for cooking and heating fuels, and, to a lesser extent, animal dung. The majority (>50 percent) also use kerosene for lighting, while the poorest families have no artificial light source at night.

Access to Fuel Decreases

The majority (>50 percent) of rural Afghans in our study population in Herat, Kabul, Kandahar, and Nangarhar provinces faced decreased access to fuels from 2002 to 2003. In Badghis, over one-third (37 percent) of rural Afghans saw their fuel access decrease (table 8.9). The main reason for the decline in fuel access in these provinces is scarcity, except in Nangarhar, where people cited a rise in prices.

Table 8.9. Changes in Access to Fuel, 2002–2003

Province	*Access to Fuel Decreased (%)*	*Primary Reason for Decrease*	*Access to Fuel Increased (%)*	*Primary Reason for Increase*
Badghis	37	Scarcity	31	More rain
Herat	64	Scarcity	9	Price decrease
Kabul	73	Scarcity	7	Price decrease
Kandahar	67	Scarcity	1	Price decrease
Nangarhar	53	Price increase	0	NA

Note: Based on the analysis of our primary data.

Four years of severe drought and the continuing lack of precipitation in some parts of the country resulted in little regeneration of wild shrubs and perennials (which provide important groundcover and help to prevent erosion). Unsustainable practices of pulling up shrubs and perennial plants by the root, instead of cutting off the tops, have resulted in fewer plants available near villages.[74] Consequently, men and boys (who are primarily responsible for collection of brush and firewood) are forced to go farther from villages to collect fuel.[75] According to a woman in Qal-i-Now district, Badghis province: "In the drought the people cut down the bushes from the root. But if they stopped doing that then when the rains come we would have a lot more bushes closer to our village. However, they cut them down and pull the roots and then every year we send our men and boys farther and farther. We should not cut the roots."[76]

The loss of animals during the drought and subsequent decrease in dung as a fuel source has increased the demand for other fuel sources, driving up the prices of fuel on the market.

The scarcity of brush and firewood is exacerbated by past deforestation, mismanagement of lands, military conflicts, and insecurity. War has negatively affected Afghanistan's forests. Military forces in frontline areas cut down trees and groves to minimize cover and possible hiding places for opposition forces. In Takhar and Badghis, forests were depleted in the uncertain period immediately following the Soviet withdrawal, as people hoarded wood in fear that their access to these lands was under threat.[77]

Forest cover in the country was estimated at 1.3 million hectares in 2003, down from an estimated 1.9 million hectares in 1996, which was down from an estimated 2.2. million hectares in the early 1980s.[78] Deforestation continues apace as forests and woodlands are taken to provide fuel and timber for the construction boom in urban areas such as Kabul city. Illegal harvesting of timber (sold on the domestic and Pakistani market) also depletes remaining forest stands. Changes in the forest cover, extended lack of precipitation, and

the repercussions of decades of overgrazing prevent regeneration of range land, groundcover, shrubs, and trees.[79] Extraction from forests is thought to outpace regrowth by an estimated 30,000 hectares per year.[80] Given current trends, access to fuel for rural Afghans is unlikely to improve if environmental degradation continues.

Widespread and severe environmental degradation of land in Afghanistan compounds all the issues discussed above regarding water, land, livestock, orchards, and fuel. Conflict, drought, population movements, population growth, and lack of local and national policies have contributed to erosion, deforestation, and desertification. Soil erosion is a significant problem in many areas. Erosion is caused by overgrazing on fragile soils, loss of forests and vegetation, and excessive cultivation. Farmers attempt to convert grazing land on steep slopes and at high altitudes to cultivated fields in order to enhance their livelihoods or as a coping mechanism to deal with food insecurity, thus creating further erosion.[81] These practices directly contribute to desertification, extreme soil erosion, and landslides. Damage from overgrazing and unsustainable fuel harvesting will take decades to recover, even in the absence of livestock or extensive farming.[82] Environmental degradation in Afghanistan is a cross-cutting threat, and addressing this issue should be a top priority. This will require innovative fuel management, the introduction of alternative building materials, farming, and grazing practices, and efforts to stop the illegal harvesting and trade of timber.

NOTES

1. Figures for numbers of returning refugees and new urban arrivals are difficult to gauge for accuracy and these estimates are not included here.

2. United Nations Children's Fund, *State of the World's Children, 2004—Girls, Education, and Development* (UNICEF, 2003), table 3.

3. Sue Lautze et al., *Qaht-E-Pool "A Cash Famine": Food Insecurity in Afghanistan 1999–2002* (Medford: Tufts University, 2002), 34.

4. Meseret Demissie Yadeta, "Afghanistan on the (Rocky) Road to Recovery," *A World of Science* 1, no. 4 (July/September 2003): 16.

5. United Nations Environmental Programme (UNEP), *Afghanistan: Post-Conflict Environmental Assessment* (Switzerland: UNEP, 2003), 15.

6. Euan Thomson, Terence Barker, and Joaquin Mueller, *Drought, Livestock Losses and the Potential for Feed Production from Arable Land in Afghanistan: A Case Study of 183 Villages with Mixed Crop/Livestock Farming Systems* (Aleppo: International Center for Agricultural Research in the Dry Areas [ICARDA], 2003), 6. This is difficult to confirm due to the lack of long-term rainfall data from many parts of the country, but data from Quetta, Pakistan, does show that 2001 had the lowest rainfall since 1891, when record-keeping for precipitation began.

7. UNEP, *Post-Conflict Environmental Assessment,* 36.

8. UNEP, *Post-Conflict Environmental Assessment,* 32–33.

9. As of April 2002, neither of Kabul city's sewage treatment plants was operational, but the UNEP report states that one plant in Kabul serving two districts was working in 2003. No other city has sewage treatment facilities, though some houses and apartment buildings have septic tanks. Afghan Assistance Coordination Authority (AACA), *National Development Framework,* Draft (Kabul: Afghan Interim Authority, 2002), 30–31.

10. UNEP, *Post-Conflict Environmental Assessment,* 37–41. In one instance, medical waste products were dumped in and around a three-sided enclosure behind the hospital, in another the products were piled next to a poorly functioning incinerator, and in a third, syringes and other medical equipment were thrown down a disused well. Spread of disease through water, airborne pathogens, or direct exposure to these products is extremely likely. We also witnessed doctors in a hospital in Kabul dumping water contaminated with human blood and tissue down a common sink.

11. UNEP, *Post-Conflict Environmental Assessment,* 41–43.

12. Interview, Pagham district, Kabul province, October 9, 2003.

13. UNEP, *Post-Conflict Environmental Assessment,* 52.

14. USAID, *Weekly Activity Update, July 31–August 6, 2003, Issue 24.* The improvements brought by these interventions and possible effects of drilled wells on the water table are beyond the scope of this book.

15. Interview, Wahidsullah, Assistant to District Authority, Surobi, Kabul, November 5, 2003.

16. Interview, Pashtun woman, age 25, Panj Wai, Kandahar, December 17, 2003.

17. Global Environmental Facility, *Restoration, Protection and Sustainable Use of the Sistan Basin,* Pipeline Concept Paper (The Governments of Afghanistan and Iran and the United Nations Development Programme, 2002), 47.

18. Interview, Musayi district, Kabul province, October 10, 2003.

19. Interview, Farsi district, Herat province, August 27, 2003.

20. USAID, *USAID Assistance: Afghanistan, March 12, 2004, Program Summary.* For more information, go to www.usaid.gov/afghanistan/. We did not seek to evaluate USAID programs, and we offer information here as provided by USAID.

21. For those who reported "no change" in their water quality, the majority (>50 percent) of the total study population reported that their water was of poor quality.

22. Interview, Farsi district, Herat province, August 27, 2003.

23. However, increased water levels do not always result in clearer or cleaner water.

24. Interview, Qal-i-Now district, Badghis province, November 22, 2003; Tufts team observations, Qal-i-Now district, Badghis province, November 20–24, 2003.

25. UNEP, *Post-Conflict Environmental Assessment,* 56.

26. Floortje Klijn, *Water Supply and Water Collection Patterns in Rural Afghanistan—An Anthropological Study* (Peshawar: DACAAR, June 2002), 21. This study surveyed individuals in three villages, one in Herat, one in Nangarhar, and one in Laghman. While relying on a small sample, this book provides important information on the possible nuances of water access and usage.

27. See part III of this book for a discussion on shifts in local decision-making structures.

28. For more information on the role of the *mirabs* in part of Afghanistan, see Adam Pain, *Understanding Village Institutions: Case Studies on Water Management from Faryab and Saripul,* Draft (Kabul: Afghanistan Research and Evaluation Unit, February 2004), 10–11.

29. Pain, *Understanding Village Institutions,* 18.

30. UNEP, *Post-Conflict Environmental Assessment.*

31. UNEP, *Post-Conflict Environmental Assessment,* 57. In his research on water management institutions in parts of northern Afghanistan, Adam Pain found that conflict over water was much more common *between* villages than within a village. Pain, *Understanding Village Institutions.*

32. Observation, Rodat district, Nangarhar province, December 7, 2003.

33. Interview, Heleim Jan, Chief Prosecutor, Surobi district, Kabul province, November 5, 2003; Interview, District Authority, Surkh Rod district, Nangarhar province, November 11 and 12, 2003; Interview, Abdullah Ghafa, Chief Prosecutor, Rodat district, Nangarhar province, December 7, 2003; Interview, Haji Musa, District Authority, Paghman district, Kabul province, October 9, 2003.

34. Interview, District Official, Pashtun Zarghoon, Herat, December 1, 2003.

35. 2003 NRVA data was collected in such a way that it is unclear as to whether changes that occurred related to an increase or decrease in land access. Thus, this section presents Tufts study data and analysis of secondary literature on this subject, and does not include analysis of NRVA data.

36. As discussed above, water is perhaps the most critical element of food security and productive livelihoods in Afghanistan, and access to land has little meaning unless accompanied by access to water.

37. See Liz Alden Wily, *Land Relations in Bamyan Province: Findings from a 15 Village Case Study* (Kabul: Afghanistan Research and Evaluation Unit, February 2004).

38. Barnett Rubin, *The Fragmentation of Afghanistan,* 2nd ed. (New Haven: Yale University Press, 2002), 33.

39. Human Rights Watch, *Paying for the Taliban's Crimes: Abuses against Ethnic Pashtuns in Northern Afghanistan,* Vol. 14, no. 2 (New York: Human Rights Watch, 2002), 9.

40. Interview, Tim Stewart, GOAL, Kabul, July 22, 2003; Interview, Vikram Parekh, ICG, Kabul, July 17, 2003.

41. Liz Alden Wily, *Land Rights in Crisis: Restoring Tenure Security in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, 2003).

42. Interview, Musayi district, Kabul province, October 15, 2003.

43. For a more thorough explanation of this land-mortgaging system, see Alden Wily, *Land Relations in Bamyan Province,* 29, box 6.

44. See Lautze et al., *Food Insecurity in Afghanistan 1999–2002.*

45. World Food Programme, *Afghanistan Countrywide Food Needs Assessment of Rural Settled Populations, 2002–2003.*

46. Alden Wily, *Land Relations in Bamyan Province,* 66. Alden Wily also found high rates of homelessness among the landless in Bamyan, and highlights the extremely exploitative patron-client relations between landlords and their tenants or workers.

47. Amnesty International, *Afghanistan: Out of Sight, Out of Mind: The Fate of the Afghan Returnees* (London: Amnesty International, June 2003), 26.

48. Alden Wily, *Land Rights in Crisis,* 5.

49. Alden Wily, *Land Rights in Crisis,* 5.

50. Recent returnees in the study population frequently cited their views on education for girls. Many families were able to send their girls to school in Pakistan, but do not have access to girls' schools upon their return to Afghanistan.

51. Klijn, *Water Supply and Water Collection Patterns,* 6–8. Klijn found that some returnees had learned new skills and amassed savings while in exile. They left as poor tenants, but were able to purchase land of their own upon their return. The economic status of those who did not migrate often deteriorated during the war and drought. These shifts resulted in a new social and political order in the three rural villages.

52. Interview, Pashtun woman, age 40–50, Musayi, Kabul, October 17, 2003.

53. Alden Wily, *Land Rights in Crisis,* 36. It is unknown to what extent—if at all—the rights of women to land are taken into account in mechanisms for local dispute resolution.

54. Liz Alden Wily, *Land and the Constitution: Current Land Issues in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, 2003), 3–4.

55. Interview, Haji Musa, District Authority, Paghman, Kabul, October 9, 2003.

56. Interview, Pashtun woman, age 60–65, Musayi, Kabul, October 15, 2003.

57. Interview, Assistant to the District Authority, Surobi, Kabul, November 5, 2003.

58. Interview, District Authority, Farsi, Herat, August 18, 2003.

59. Alden Wily, *Land Rights in Crisis,* 30.

60. Interview, Pashtun woman, age 60–65, Musayi, Kabul, October 15, 2003.

61. Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East,* 2nd ed. (Boulder: Lynne Rienner Publishers, 2003), 241.

62. Alden Wily, *Land Rights in Crisis,* 30–31.

63. Jo Grace, *Gender Roles in Agriculture: Case Studies of Five Villages in Northern Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, February 2004), 4. Widows were found to be share-cropping out their land, usually to male relatives, and receiving a fair portion of the crop. However, the widow's rights to land did not appear to be absolute, as they apparently were not permitted to sell their land.

64. Ulfat-un-Nabi Khan and Muzaffar Iqbal, *Role and the Size of Livestock Sector in Afghanistan,* Draft (Islamabad: The World Bank, 1999), 11.

65. Khan and Iqbal, *Livestock Sector,* Draft, 12.

66. Thomson, Barker, and Mueller, *Drought, Livestock Losses,* 14.

67. Interview, Tajik woman, age 30, Qal-i-Now, November 21, 2003.

68. Charles Wilkinson, *Crossing the Next Meridian* (Washington, DC: Island Press, 1992), 80. It is widely known that livestock grazing during and following drought can be particularly harmful to grassland ecosystems. See also a leading study on desertification by Harold Dregne, "Desertification of Arid Lands," *Economic Geography* 53 (October 1977).

69. Pain, *Understanding Village Institutions,* 16. Pain did research in a village in Sayyad district in Saripul province, and people reported that a large portion of their traditional grazing land had been plowed for rain-fed cultivation by people in four surrounding villages.

70. Jonathan Goodhand, *Frontiers and Wars: A Study of the Opium Economy in Afghanistan,* Draft (London: SOAS, University of London, January 2003), 19.

71. Fighting in front line areas such as the Shomali Plains in Kabul province destroyed the orchards, vineyards, and irrigation systems that had previously underpinned local livelihoods. Orchards and trees were destroyed or burned during the fighting, and any remaining growth was used for firewood. In late 2003 the area was stripped of nearly all growth and vegetation. Interviews, district authorities and *shura* officials, Mir Bacha Kot, Kabul, October 14 and November 3, 2003. Likewise, the cutting down of mulberry trees that the famous Herat silk production industry relied on shut down thousands of silk producing workshops and forced generations of skilled laborers to migrate or engage in different activities. The collapse of the silk production industries negatively affected the local market. Since women formed a significant portion of the skilled labor in the silk industry, they lost an important source of income in their household. Tufts team interview with Haji Golab Shah, Herat, November 25, 2003.

72. Interview, Tajik woman, age 50, Farsi district, Herat province, August 26, 2003.

73. Mohiuddin Alamgir (Asian Development Bank), "Prospects for Afghan Agriculture," Technical Annex 3 for chapter 1, *Securing Afghanistan's Future: Draft Reports* (Kabul: Islamic Transitional State of Afghanistan, January 29, 2004), 5.

74. UNEP, *Post-Conflict Environmental Assessment,* 66.

75. An earlier study in 2002 by Tufts University found that some people were taking extreme measures to acquire fuel wood during the drought, including cutting fruit trees and vineyards, digging up roots, and burning roof poles. See Lautze et al., *Food Insecurity in Afghanistan 1999–2002,* 49.

76. Other measures to acquire or conserve fuel include sending children farther from home to gather fuel (increasing exposure to landmines and other natural hazards), heating and lighting fewer rooms in a home (leading to more crowded conditions and a greater risk of the transmission of disease), decreased cooking time for food and water (increasing risk of waterborne illness), and buying fuel from the markets or traders. See Lautze et al., *Food Insecurity in Afghanistan 1999–2002,* 49.

77. Interview, Tajik woman, age 40, Qal-i-Now, Badghis, November 22, 2003.

78. UNEP, *Post-Conflict Environmental Assessment,* 65–66.

79. Asian Development Bank (ADB), United Nations Development Program (UNDP), and World Bank, *Afghanistan Natural Resources and Agriculture, Comprehensive Needs Assessment,* Draft Report, June 2002, and ADB, UNDP, and World Bank, *Afghanistan Agriculture, Comprehensive Needs Assessment for the Environment,* August 2002.

80. UNEP, *Post-Conflict Environmental Assessment,* 11. It is important to point out that while overgrazing is not a problem when animal stocks have been depleted, the effects of overgrazing last for extended periods and therefore continue to impact the quality of pastureland.

81. Alamgir, "Prospects for Afghan Agriculture," 5.

82. UNEP, *Post-Conflict Environmental Assessment,* 16.

83. For more on desertification see Dregne, "Desertification of Arid Lands," and Wilkinson, *Crossing the Next Meridian.*

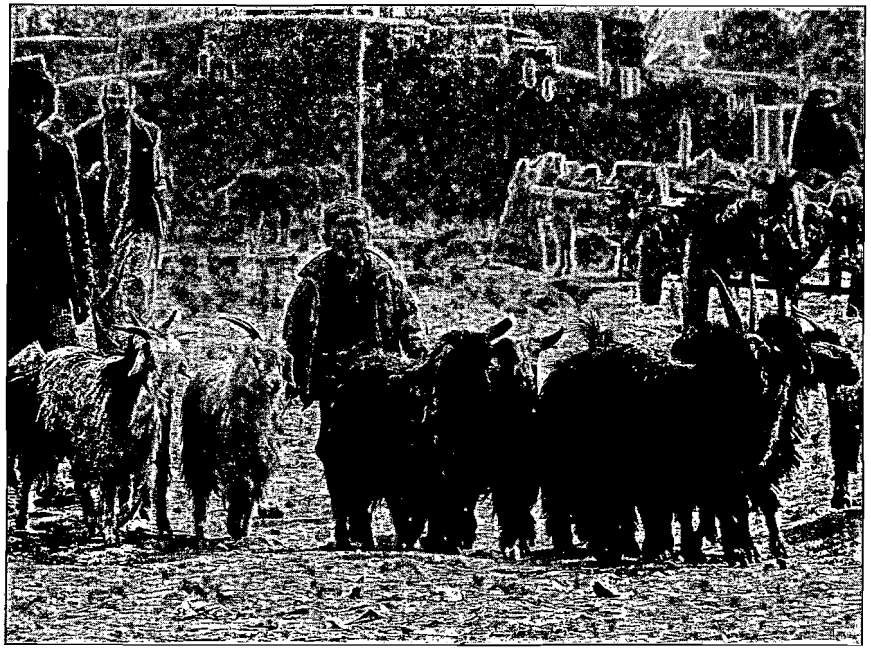

Figure 9.1. A young boy drives his herd to a busy livestock market outside of Mazar-i-Sharif, Balkh province. Photo by Elizabeth Stites.

9

Rural Livelihoods, Labor, and Income

"Rural" has long been equated with "agricultural" in discussions of the Afghan economy and appropriate intervention, assistance, or development models.[1] However, recent studies have found that although most Afghans live in rural areas (around 85 percent of the total population), many rural residents do not rely exclusively or primarily on agricultural production for their livelihoods. Rural livelihoods in Afghanistan have not always been based on farming, and have been diversifying over the last several decades.[2] This diversification is partly a coping strategy in response to drought, environmental degradation, livestock loss, and lack of access to land and water. The need to diversify is also a result of thirty years of armed conflict and unrest, in which many rural Afghans saw their livelihoods disrupted or destroyed. Consequently, rates of agricultural production reveal only part of the status of rural livelihoods.[3] More information is needed on the prevalence of alternative income-generating opportunities, the contributions of women and children to rural livelihoods, and the role of alternative sources of income, such as opium production. This chapter uses data from 2003 NRVA and our research to examine these issues in greater detail.

DIVERSITY AMONG THE INCOME-GENERATING LABOR OF RURAL AFGHANS

Findings:

- Countrywide, rural livelihoods are increasingly diversified and few rural residents rely exclusively on agricultural labor.

- Significant contributions to income by nonagricultural activities are usually regionally or provincially based, such as carpet weaving, construction, and tailoring.
- Gender is the key determinant in the types of income generation activity pursued by rural people.

For the purposes of our analysis, it is important to distinguish between two types of family labor: labor that contributes to household livelihoods (such as subsistence farm work, gathering firewood or brush for home consumption, and domestic or reproductive duties) and labor that generates income in cash or kind (such as agricultural work to produce surplus for sale, gathering fuel for sale, or making products for sale like carpets or embroidery). In this analysis we are discussing the latter form of labor—that which directly generates income for the household.

Labor opportunities differ based on agro-ecological zones, location, gender, age, wealth, available resources, culture, and access to markets, roads, and borders.[4] Land distribution and availability traditionally played a major role in determining labor options. For instance, 90 percent of families in the mountainous areas of the east and northeast owned land in the 1960s and 1970s, and worked on their own farms. In contrast, landholdings were less equitable in the areas around Kandahar city and in the fertile plains of the north, and there were a larger number of landless laborers and sharecroppers in these areas.[5] Livelihoods have become increasingly more diversified, and today fewer people in rural villages rely strictly on agricultural production.

An analysis of 2003 NRVA data shows that the majority (>50 percent) of able-bodied family members contribute to the subsistence of rural households. Overall, 55.5 percent of females over fourteen years of age in medium, poor, and very poor wealth groups reported receiving income for their labor in the past year.[6] 2003 NRVA data show that income sources are highly diversified and that the majority (>50 percent) of men engage in three or more forms of labor for income generation, while women typically engage in two or fewer forms.

Within agriculture, some people may receive income as a landowner or lessor and others—often the landless—receive a salary for the labor they provide on the land of others. The national average agricultural wage for adult men from July 2002 to October 2003 was $2.10 per day in cash or $2.47 per day in kind.[7]

Supporting the data on labor diversity from the 2003 NRVA, our research found a variety of types of labor performed in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces (table 9.1). Agriculture provides the greatest employment (though not necessarily the greatest income generation) in some provinces, such as Nangarhar, and provides less employment elsewhere, such as Kabul.

Table 9.1. Rural Afghans Engaged in Particular Labor Activities for Income Generation, 2002–2003 (in percentages)

Labor Type	*Badghis*	*Herat*	*Kabul*	*Kandahar*	*Nangarhar*
Agricultural cultivation	78	70	58	61	99
Nonagricultural farm work	37	39	30	13	16
Construction	4	34	28	32	10
Carpets	22	22	5	0	0
Crafts	2	7	6	18	0
Tailoring	10	4	8	38	1
Small trade	4	3	2	12	13
Collect brush/firewood	14	13	2	4	3

Note: Based on the analysis of our primary data.

Farming households also generate income through sharecropping, a common practice in Afghanistan. Two systems of sharecropping were traditionally practiced. In the first, the tenant had his own draft animals and received one-half of the harvest. In the second, the tenant used the animals of the landowner and received as little as one-fifth of the crop.[8] In other cases, an individual might have owned the land, but shared the yield with the person who provided the inputs (such as draft animals) that enabled him to farm the land.[9] Research in the north of the country shows that the portion of the crop received by sharecroppers varies from one village and farmer to the next.[10] These context- and location-specific variations may be a pattern observed throughout the country. Many sharecroppers are nearly landless, and sharecropping provides minimal security of tenure (or income), as the sharecropper is reliant upon the landowner for continued access to land, water, and possibly other inputs such as draft power. However, incentives to leave villages for work (such as employment opportunities in cities, as seasonal labor, and in neighboring countries) may be resulting in a scarcity of agricultural labor in some areas, which could eventually lead to more favorable terms and wages for both sharecroppers and farm laborers.[11]

We found that gender is a key, crosscutting factor in determining labor opportunities and income generation for rural populations in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces. For instance, wage labor for men on construction projects or in markets is an important source of employment for residents of rural areas that are relatively close to cities, as in Herat, Kabul, and Kandahar, but is less significant in more remote districts or provinces, such as throughout Badghis province.

Women make an essential contribution to family income primarily through home-based labor such as carpet weaving in certain regions, including Herat

and Badghis; however, traditions and market opportunities for this type of work do not exist everywhere in the country.

Men may be able to find short- or medium-term work on relief or development projects in some areas, or may be able to get temporary jobs on road, school, clinic, or housing construction.

Women's participation on *any* income generation project outside the village is very rare (this includes relief projects).

The resources and asset base of an individual or household also play a key role in determining livelihood pursuits. For example, in Paghman district of Kabul, many men who have vehicles worked as taxi drivers or transporters from Paghman to Kabul city.

Children and Income Generation

Analysis of 2003 NRVA data by the Kabul office of the World Food Programme (WFP) found that children made contributions to household income throughout the country, with some exceptions in districts in the west, south, and southeast (see map 9.1 on the book's Web page).[12]

Our data from Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces show that children perform the same types of labor as adults of their gender, and that many families increased the labor of their children from 2002 to 2003 (table 9.2). Notably, in these same provinces almost no families reported a decrease in the amount of their children's labor in this period. The primary reason children's labor increased was that their input was needed to help their household's faltering economic status.

As with adults, the labor of children differs by gender. Families in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar reported that their female children were working alongside their mothers making carpets, embroidery, and beaded necklaces for sale. Boys who lived in villages near markets were often working as petty traders (selling cheap plastics or cigarettes) or were delivering goods to the homes of buyers. In rural villages farther from markets, boys worked as shepherds, brush collectors, and agricultural laborers.

An analysis of 2003 NRVA data finds that children earn about one-half of the adult male wage for most farm work except planting (72 percent), slightly less than half for collecting wood (47 percent) and other natural resources (43 percent), and just under two-thirds for shepherding (63 percent).[13]

Table 9.2. Rural Families That Increased Their Children's Labor, 2002–2003 (in percentages)

Badghis	*Herat*	*Kabul*	*Kandahar*	*Nangarhar*
45	22	33	24	7

Note: Based on the analysis of our primary data.

RURAL WOMEN AND LABOR

Findings:

- The type of work performed by rural Afghan women is influenced by wealth group, region, ethnicity, age, and household resources.
- Rural Afghan women contribute to household income in nearly all provinces countrywide, but most rural women who work for income do so (literally) inside their homes.
- Rural Afghan women countrywide are paid significantly less than rural men and children for performing the same work.
- Culture, systems of governance, and strict restrictions on female mobility have acutely reduced livelihood options for rural women and girls.

Women's Work and Wealth Group

Women perform different types and amounts of labor depending on their wealth group, age, ethnicity, and household resources (such as available labor).[14] For instance, in analyses based on 2003 NRVA data, domestic service for others was most likely to be performed by the "very poor," and harvesting, other farm work, and gathering wood were all more common for poor women than for the wealthier. In contrast, embroidery, carpet weaving of a high quality, and tailoring were most likely to be performed by those with greater wealth and social standing.[15] The involvement of women in agricultural labor often appears to be linked to wealth group. For instance, the involvement of women from landowning households in agriculture may be determined, at least in part, by the ability of these households to hire outside labor and the extent to which the households adhere to social stigmas dictating the divisions between male and female labor roles.[16] Poor households are likely to be more pressed for labor, and therefore rely more heavily on the labor contributions of women and children.

Other studies have found that households with slightly more resources are better able to maintain *purdah*, which may explain the greater prevalence of in-home jobs such as tailoring, carpet making, and embroidery among those who are better off. These jobs also require less physical labor, and are therefore likely to be more preferable options for women. In some cases, jobs or tasks done by men in wealthy families may be considered strictly "women's work" among the poor. This was found to be the case with water collection in a village

in Laghman province. A poor women explained, "In rich families, it is the boys who collect water; in poor families boys and men do not collect water. When men from poor families collect water it is shameful for them."[17] Although not an income-generating activity, the different class attitudes toward water collection serve as an example of how perceptions regarding labor shift based on wealth, gender, and public and private space. A study in five villages in Faryab and Saripul provinces in northern Afghanistan finds that women from wealthier (landowning) households appear to be less likely to perform agricultural labor than women from poor families, but women from all wealth groups work on household vegetable plots (where such plots existed).[18]

Age and ethnicity also affect the labor options that are available for women, but wealth group appears to continue as an important crosscutting determinant. For instance, a study by DACAAR and AREU of livelihoods in three villages in Alingar district of Laghman province found that in the poorest village, women of all ages engaged in paid agricultural labor within the village, whereas in the middle village only the older women worked as farm laborers. Female residents of the wealthiest of the three villages did not normally do agricultural work.[19] The study in Faryab and Saripul provinces, also conducted by AREU, found that some elderly women were working as small-scale traders, and had greater freedom of movement to travel to the bazaar and work in fields.[20]

Findings from the Laghman study also point to the importance of ethnicity in determining the livelihood options available to women. One of the three villages visited in Alingar district was a Pashaie village, and the Pashaie have quite different gender relations than many other ethnic groups in rural Afghanistan. For example, the study found that women in the Pashaie village were able to move freely from house to house (i.e., without permission from their male relatives), and most of the wood collection was done by the women, even though collecting wood is extremely strenuous and the forest was a three-hour walk from the village. Women in the other two non-Pashaie villages in the study did not collect wood, although women did help the men carry wood within the village in the poorer of the two remaining villages.[21] The study does not contain information on whether women have control of the income they contribute to the household.[22]

Ethnicity may also influence the types of work done by gender. Turkmen women, for instance, are more likely to engage in carpet weaving than women of other ethnic groups. Ethnic groups may vary in the extent of restrictions placed on female mobility, which will affect the livelihood options for women.[23] More research is needed on the link between ethnicity and women's labor opportunities.

There are some similarities in women's labor options that cut across class in rural society, particularly regarding work that women do *not* perform

regularly. These similarities clearly illustrate the gender divisions of labor, showing which jobs are reserved for women and which jobs are considered to be exclusively for men. For instance, out of 5,103 interviews with female wealth groups from the 2003 NRVA data, very few wealth groups reported that women planted crops in the previous year (31 out of 5,103), irrigated crops (8), or shepherded livestock (12 wealth groups). Few groups reported women gathering natural resources other than wood (64), and only a small portion reported women collecting wood (466).[24] Research from northern Afghanistan shows that some women who participate in agriculture, particularly those from wealthier households, may perform agriculture-related tasks within the home. These tasks include cleaning seeds and removing husks from wheat.[25] As mentioned previously, women were much more likely than men to engage in only one or two income-generating activities in the past year, possibly because of their need to allocate time for domestic and reproductive duties.

Where Women Work

Although strongly regulated by culture and local governance systems, women and older girls make important contributions to household incomes throughout rural Afghanistan (see map 9.2 on the book's Web page). Analysis of 2003 NRVA data by the Kabul office of WFP finds that women were active in income generation throughout the country with the exception of several southern and southeastern districts.

Significantly, throughout the country, cultural norms and gender divisions of labor and space prevent many women and older girls from working outside of the home (see map 9.3 on the book's Web page).[26] 2003 NRVA data find that women's ability to generate income is significantly greater in the north, northeast, and west (80 to 90 percent of women engaging in gainful activities), with the lowest rates in the south (14 percent of women engaging in gainful activities).[27]

Consequently, countrywide, the majority (>50 percent) of rural Afghan women who do work for income do so within their homes. The primary reason for this is that economic activity of women outside the home violates the cultural regulation of *purdah*, which stipulates that women should not have interaction with men outside of their family. Traditional families are therefore likely to avoid outside employment for women, as are those families that can afford financially to be more selective in the labor of their female members. Our analysis of 2003 NRVA data support this finding, and shows that poor and very poor women are more likely to work, especially outside the home, than those who are better-off.[28]

Unequal Wages of Women

Women who engage in wage labor earn substantially less than men and, for some types of work, less than children. Women reported harvesting, engaging in other "farm work," collecting wood, tailoring, making handicrafts, or performing domestic services for other families. Female wages for farm work are roughly half that of male wages (51 percent for planting, 61 percent for harvesting, and 50 percent for other farm work). Handicrafts and weaving are often considered "women's work," but here too women make substantially less than their male counterparts (41 percent of the male salary for handicrafts, 53 percent for weaving). Children make more than women for some types of work, including domestic labor, where a child earns an average of $.79 per day and a woman earns $.59 per day. Children also earn more for handicrafts ($.84 per day, compared to $.66 for women) and for weaving ($.81 per day versus $.62 per day for women).[29]

In some instances, there may be better income-generating opportunities for women than for men. More research is needed on cases in which women are the primary income earners in a household, but this appears most likely in regions where traditionally male livelihood options, such as wage labor on farms or managing livestock herds, are no longer or temporarily unavailable. Reduced male labor opportunities might be caused by drought, insecurity, or lack of access to markets. Landlessness may also increase the amount of income-generating labor performed by women.[30]

One woman in Surobi, a remote, poor, and insecure district of Kabul, explained the importance of women's work in her village:

> The men here cannot find work so it is the women in this village who earn the income through our handiwork of beaded jewelry, embroidery. We are really working hard making these things. Our men don't have any money so everything we buy—food, clothes, medicine—we buy with money from our handicrafts or from taking loans.[31]

Carpet making has historically played an important role in the economy of some areas of rural Afghanistan such as the north and northwest. According to a report on livelihoods in conflict, weaving once augmented the household income, but has now become the main source of income for many families.[32] The growing importance of carpet weaving in household income and the declining terms of trade for carpet producers (due to increased production in Pakistan, open borders, and the return of many Afghan refugees with carpet-producing skills) means that a household must produce more carpets to make the same amount of income.[33] Women and children are still the main producers of carpets,[34] and thus they bear most of the burden of increased production. Furthermore, the declining terms of trade for the producer means that

those households that rely on carpet production as the sole or primary source of income have become increasingly dependent on credit for raw materials and basic food needs.[35]

Constraints on Women's Livelihoods

The 2003 NRVA surveyors asked rural Afghan women what they felt to be the primary constraint to their livelihoods. Our analysis of 2003 NRVA data shows that women overwhelmingly reported that "cultural constraints" were the greatest obstacle to their making improvements to their livelihoods (see map 9.4 on the book's Web page).

Other important and prevalent obstacles included lack of education and access to employment. As is evident from this data, rural Afghan women are not only aware of the constraints to their livelihood options, but they also see these constraints as impediments to improving their current livelihoods, economic situation, and the future of their children. Finally, our analysis of rural Afghan women from very poor households shows that they indicate that cultural constraints are an even greater obstacle to their livelihoods than women from poor households, again highlighting this as one of the top challenges for rural Afghan women throughout the country.

MIGRATION AND REMITTANCES

Findings:

- In Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, the migration of a family member often resulted in no improvement or worse conditions (e.g., loss of labor, loss of access to goods and markets, or increased tension in the family) for the family members remaining behind.
- Much migration from Kabul, Kandahar, and Nangarhar provinces occurring between 2002 and 2003 appears to be within the country to urban areas or for seasonal employment.
- The majority (>50 percent) of respondents in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces report that they do not receive remittances.

Millions of Afghans have left their homes over the past twenty-five years to escape conflict, poverty, and drought. Entire villages fled to Pakistan to escape fighting between the Soviets and the mujahideen forces in the 1980s. Areas around strategic sites such as Kabul city were nearly abandoned due to heavy fighting during the civil war in the early 1990s.

The migration of entire families is usually undertaken as a last resort. Migration brings its own risks and requires a certain amount of resources for transport, border crossings, and establishing a new residence. The poorest and most vulnerable households are often unable to migrate or lack the resources to cross international borders, thus becoming internally displaced. The reverse process of returning home also involves calculated decisions based on information or perceptions of current conditions in the home area, financial incentives for returnees, and the resources that will be expended in making the return journey. Families weigh the services and opportunities available in their place of exile versus their place of origin. For example, many Afghan refugees in Pakistan and Iran had access to health care and education (for girls as well as boys), and some families had jobs and were able to build savings. Few families find these same resources upon returning to rural Afghanistan, but other incentives (as well as push factors) have brought an increase of population flows into Afghanistan since the fall of the Taliban. People are returning to take advantage of the economic growth in many urban areas, to reunite with family members, to reclaim land, or simply to return to their homeland after a long absence.

Rural Afghans and Migration after the Fall of the Taliban

As a coping strategy, migration seeks to minimize risk to Afghan households by increasing chances of employment, diversifying livelihoods, and dispersing human and financial assets. Stress migration of an entire family is usually a last resort, but the departure of one individual (almost always an able-bodied male in the Afghan context) to find work is calculated to bring the family greater economic security in the medium to long term. Establishing multilocation residences allows families to take advantage of shifts in the labor and food markets and may break down distinctions between rural and urban populations and their livelihood strategies.[36]

Table 9.3. Rural Afghan Households Reporting Migration of a Family Member, 2003

Province	*Household Member Migrated in 2002 (%)*	*Primary Destination of Migrant*	*Effect of Migration on Household*
Badghis	20	Outside Afghanistan	No effect
Herat	33	Outside Afghanistan	Worsened
Kabul	52	Afghanistan/urban	Worsened/improved
Kandahar	25	Afghanistan/urban	No effect/worsened
Nangarhar	7	Afghanistan/urban	Improved

Note: Based on the analysis of our primary data.

Our interviews with rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar illustrate that out-migration from rural areas remained common in the period after the fall of the Taliban. Our data show that Afghans are continuing to migrate across borders or within Afghanistan to secure access to full-time, temporary, or seasonal employment, as well as for security reasons (table 9.3).[37] Migration rates of individual family members are highest in rural Kabul (52 percent), where large numbers of respondents reported that one or more male family members were working in Kabul city in construction or services. Rates were lowest in Nangarhar (7 percent), a province in which nearly all respondents in the study reported working in agriculture and owning livestock (99 percent and 100 percent respectively); dependence on agrarian livelihoods in Nangarhar likely contributes to the low rates of out-migration. Most people in our study populations in Kabul, Kandahar, and Nangarhar who reported migration said that their family members remained in Afghanistan. In the western provinces of Badghis and Herat, the primary destination of migrants was outside of the country, largely to neighboring Iran.

Internal migration rises with the demand for seasonal agricultural employment during planting or harvest periods. In this context, poppy cultivation has become a major pull factor for seasonal migration to opium-producing districts and regions.[38] Many rural Afghans also go to the cities to find work, and this number rose after early 2002 due to the construction boom in Kabul, Kandahar, and Herat cities. These population flows may bring important economic resources into rural areas, and, as people go back and forth to cities, may increase the flow of information and commerce.

We asked respondents who reported that a family member had left since early 2002 to assess the effects of the departure. Many people said that they had been hopeful that the family member would find employment and would send remittances back to the family, thus improving their overall living conditions and economic status. However, data from our research show that, contrary to expectations, the results of migration were often negative. In particular, this included the loss of household access to markets, credit, and medical services when the husband migrated for work, leaving behind his wife and small children. In the absence of an adolescent or adult male, these households were unable to access these services due to cultural constraints on women's mobility and access. When older boys migrated for work, mothers and fathers often worried when they did not hear from their sons for months at a time and had not received any of the expected remittances. In some instances, men and older boys reported that they had been attacked by border guards and bandits when attempting to cross borders or travel long distances, resulting in severe beatings and the theft of their possessions and earnings.[39]

Remittances

Over the past two decades, many Afghans who left the country as political refugees or economic migrants found work in neighboring states, countries in the Gulf region, or farther afield. Many sent remittances home to their families during their absence. The outflow of Afghans was so great that labor became one of the country's primary exports prior to the fall of the Taliban.[40] After the Taliban's collapse the exodus largely reversed direction—with roughly two million people estimated by UNHCR to have returned to the country in 2002 alone. Remittance flows do continue, though probably in lesser amounts, from migrant laborers and exiles outside the country as well as from urban laborers to their relatives in rural areas.

Many researchers working in Afghanistan have found that data on remittance networks is difficult to collect. Households are often reluctant to report regular cash flows or savings. As there is no operational nationwide banking system, most money sent to Afghanistan is conveyed through unofficial channels such as *hawala* or carried into the country by couriers. As a result, remittances are often irregular and the informal transfer system can easily be disrupted by border problems or insecurity along roadways.

The majority (over 90 percent) of respondents in our research reported that they were not receiving remittances or that they had received remittances only sporadically. Data collected in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces shows that less than 6 percent of the study population reported receiving remittances. As data on remittances is said to be notoriously unreliable, we assume that the 6 percent figure reflects at least some underreporting of remittances received.[41] Some respondents explained that they had "not yet" received remittances because their male relatives had been away for only a few months. Most, however, said that the migrants had been gone for six months or longer and expressed disappointment that no remittances had been sent or received.

Secondary literature and previous assessments show that, although sporadic, remittances play an important role in the economic situation of Afghan households and are used for food, medicines, loan payments, and marriage and funeral expenses.[42] Studies have shown that remittances can also benefit broader groups and may support community institutions such as schools or mosques.[43] Families with relatives in the Gulf or Europe are more likely to be able to use remittances for investments or to accumulate assets, whereas the remittances coming from Pakistan and Iran are more likely to be used for basic survival needs.[44] Continued research on remittance networks is needed in order to better understand the effects of remittances on rural livelihoods.

POPPY

Findings:

- Poppy cultivation has increased throughout Afghanistan since the fall of the Taliban. Rural populations are increasingly turning to opium production as a livelihood strategy.
- Opium production may bring short-term gains such as access to credit and greater income, but is likely to increase debt and contribute to vulnerability in the longer term, especially for poor farmers.
- Small-scale poppy farmers seek to utilize household labor to cultivate the labor-intensive crop. Women and children are reported to be very involved in the planting, tending, and harvesting of poppy in certain areas.

Many Afghans pursue livelihoods outside of the formal or legal economy. A weak regulatory environment and a long history of cross-border commerce contribute to a flourishing trade in trafficking goods, humans, and drugs, and a steady demand for narcotics on the world market has made opium production an extremely lucrative business for Afghan traders, landowners, and farmers.[45] Afghan families faced with poverty have employed various coping strategies that lie outside commonly accepted strategies in normal times—such as begging, prostitution, sending young boys out for work, and placing very young girls into marriage—but poppy cultivation is by far the most widespread and generates the greatest amount of revenue.[46]

Poppy cultivation can generate large amounts of cash for planting on relatively small areas of land. Sharecroppers who grow poppy receive access to land on which they can also grow food and subsistence crops, such as wheat and vegetables.[47] Contrary to reports of high levels of cultivation at the household level, evidence from Badakhshan province shows that households in the villages studied are growing poppy on only a small portion of their land, committing the rest to fruit trees, wheat, and other crops.[48] Our observations in some areas of Herat and Kabul support these findings of families using only a small portion of their land to cultivate poppy. In Herat, Nangarhar, and Kandahar provinces we were told that many villages and districts were heavily engaged in poppy production, but we do not have data on the extent of land placed under poppy cultivation.

Limited land access, drought, and poor access to credit or markets for poor rural Afghans has made opium production an attractive means of coping with hardship. Poppy cultivation does away with many obstacles currently facing rural Afghans who engage in agriculture: poppy is drought resistance; large profits can be made from small landholdings; traders and brokers come to the

farmer, thereby removing the need for costly, time-consuming, or potentially dangerous trips to a market center; poppy is extremely portable and easy to transport to market when necessary; poppy residue provides fuel for the winter; poppy oil can be used in cooking and oil cake can be fed to animals; poppy has medicinal value; and the opium trade is one of the only industries with a well-developed credit system.[49] At the same time, poppy cultivation has influenced power dynamics and brought shifts to local politics by providing substantial revenue to a large number of midlevel commanders and warlords in parts of Afghanistan.[50]

Rural Afghans and Poppy Production, 2002–2003

The incentives for opium production have led to the spread of poppy cultivation to new areas of the country—twenty-eight out of thirty-two provinces were growing poppy in 2003, up from eighteen in 1999. Ghor and Wardak provinces, for example, were not known to have poppy fields prior to 2002, but a substantial amount of opium now comes from both areas.[51] Officials believe that laborers from these provinces who previously migrated to work in poppy fields in the south have now established their own crops in their home provinces.[52] The quantity of opium produced in Afghanistan also increased greatly in 2002–2003, and opium production in 2003 was comparable to production in the late 1990s under the Taliban regime.[53]

Opium production is an important source of income for many households and may provide an economic boost for poppy-growing districts. District authorities in Kandahar and Nangarhar provinces told us that their districts were seeing increased economic growth due to recent good poppy harvests. A district authority from Nangarhar said: "The general economic situation [in the district] was fine this year because there was a good opium poppy crop and harvest. Most of the population is engaged in opium poppy production."[54]

When asked if he, as the government figurehead, would try to intervene in eradicating poppy, the official replied, "No, because one district alone cannot deal with this. There is a need for countrywide programs to eradicate poppy." In Guzara district of Herat, one of the government officials was critical of the governor's ban on poppy production and viewed the policy as a disaster for the local economy: "If the whole country is engaged in and profits from poppy cultivation, why should we suffer?"[55]

Landowners, farmers, and sharecroppers benefit from the high farm-gate price of fresh opium, estimated at US $283 per kilogram in 2003. However, the cultivation of poppy and extent to which individuals reap the financial rewards of opium production are closely linked to issues of land access, ownership, and control, and prices and wages also differ from one area to the next. For instance,

the per capita income derived from opium production in 2003 ranged from US $261 in the northwest to over US $1,000 in the south of Afghanistan (based on an estimate of 264,000 families engaged in opium production). Regardless of regional discrepancies, this per capita rate is much higher than national GDP per capita, which was estimated at US $184 in 2002.[56] The daily wage for labor is also much higher in poppy production than in most other forms of employment, and is reported to have reached roughly $8 per day for working in poppy in some districts in 2003.[57] In some areas, itinerant laborers may receive between one-fifth and one-quarter of the total crop produced.[58]

The incentives for and payoffs from engaging in poppy production vary based on the resources, assets, and social, political, and economic links of an individual or household. Researchers Pain and Goodhand draw important distinctions between three different types of political economies in Afghanistan—the war economy, the black or "illicit" economy, and the coping economy[59]—and Goodhand explains how the actors and motivations in these three economies differ in relation to poppy production.[60] Commanders, "conflict entrepreneurs," and militia members benefit from the war economy by controlling and taxing licit and illicit production (including opium) and receive arms, money, and other equipment from external and nonstate actors. Those who seek to make a profit on the margins of the conflict—such as transporters, profiteers, and businessmen—benefit from the black economy, as do "downstream" actors such as opium farmers and truck drivers. However, many of the people involved in opium *cultivation* are part of the coping economy and rely on opium production for subsistence or survival.

Although these divisions provide a useful framework for thinking about political economies in Afghanistan, the distinctions between these categories are not always distinct, particularly in regard to the opium industry. Goodhand points out:

> In practice there are no clear boundaries between these three economies and networks have developed with complex overlapping connections. . . . For a resource poor farmer, poppy is part of the coping or survival economy; for the landowner leasing his land or for the opium trader it is part of the black economy; and for commanders that tax poppy it is part of war economy. Opium is simultaneously a conflict good and illicit commodity and a means of survival.[61]

The discrepancies in financial gains to be made from poppy production illustrate the differences among the wide range of actors in the opium economy. For instance, in the late 1990s, landowners who had access to water and credit could make up to $1,957 for every hectare planted, whereas sharecroppers could expect to receive roughly $212 per hectare.[62] Existing assets and endowments ultimately determine the rate of return and those in the coping

or survival economy are unlikely to amass sufficient assets to lift themselves out of poverty, even when they engage in opium production.

The opium industry provides an important source of credit for rural Afghans. Recent research from a district in Badakhshan indicates that engaging in opium cultivation can include household liquidity, help families to reclaim their land and homes, and increase food security.[63] However, the greater availability of credit and the often unfavorable borrowing terms for opium production can also lead to increased indebtedness (see Debt and Credit later in this chapter). Farmers with limited resources will typically receive an advance payment against the value of their entire crop prior to harvest, with the agreed price equal to half the current market value of opium. This system allows traders to collect opium at significantly less than the market rate at the time of harvest, but "locks the poor into a patron-client relationship with local traders."[64] Many peasants and farmers saw a sudden and extreme increase in their debt levels following the Taliban's edict on poppy production in 2000. According to Goodhand, opium production collapsed and lenders monetized loans that would have been repaid in opium, but calculated the exchange from opium to cash at the *present* cash value of the opium based on the original advance. Poppy prices had risen drastically in the 2000–2001 season due to the shortage in supply and the monetization of the debt had the effect of charging farmers interest of 1,000 to 15,000 percent.[65]

The high value of poppy crops and high incomes that can be made through poppy cultivation makes eradication efforts costly and largely unsuccessful. For example, the Afghan government offered farmers around Jalalabad US $350 per hectare to destroy their poppy crops, but local residents were demanding US $3,000 per hectare.[66] Indebted poppy farmers are the most vulnerable to interdiction or eradication efforts (and to poor harvests), as they will remain responsible for the repayment of their debt to the opium traders even if their harvest is destroyed (or fails). Eradication programs that remove the commodity that underpins rural credit systems will increase vulnerability among the poor and will do nothing to address the patron-client relations that lie behind the systems of debt and opium production.[67]

Engaging in opium production requires taking calculated risks and may entail trade-offs between food security and human security, or an exchange of one form of human security for another.[68] Households adopt poppy cultivation or work as laborers or traffickers in the opium industry to avoid destitution and prevent food insecurity. Increased income from the sale of poppy may improve access to health care, education, and markets. Men may be less likely to migrate to urban areas, other provinces, or across borders for work.

On the other hand, involvement in the opium industry increases the risk of personal violence (for traffickers, workers, and farmers), destruction of livelihoods (through drug eradication efforts), and spiraling debt to those who provide poppy inputs (such as commanders, traders, and dealers). Goodhand's research in a village in Badakhshan points to the possible shifts in the social economy of a village or area: "The opium economy has created new tensions within the village in terms of how wealth is produced and distributed. It has created a 'new rich' who are the young men involved in the opium trade and the commanders who tax and control it."[69]

In the absence of alternative sources of livelihoods, the risks and tensions associated with opium production may be necessary or acceptable in the short term, but are unlikely to lead to increased human security in the long term.

Women and Poppy

The rise in opium production in the absence of other income opportunities has implications for gender relations and intra-household divisions of labor. Poppy cultivation is extremely labor-intensive: one hectare of poppy requires 350 person-days of labor, as opposed to 41 person-days for a hectare of wheat.[70] This means that households with a scarcity of labor are unlikely to be able to reap the economic gains of opium cultivation. Accordingly, families engaged in poppy production are making increased use of the labor of women and children, especially in the northern and eastern parts of Afghanistan.[71] Importantly, some reports indicate that the use of female labor in poppy production is attractive to more traditional families, as poppy is often grown close to the family compound, and women can therefore work in the poppy fields without violating *purdah*.[72] The location of poppy fields near to the home may also allow women to work in opium production while attending to other domestic tasks such as food preparation and child care.

In a district in Badakhshan province, researcher Adam Pain found that the combination of labor scarcity and high labor prices leads to the deployment of women and children into the harvesting and weeding of poppy fields.[73] Key informants indicate that some women in the area have been able to negotiate for wages in exchange for their labor in household opium cultivation, although these wages are reportedly lower than the market wage rate. Women and children have rights of *paschin*, meaning that they are able to take a final harvest from the opium poppy. Traders in Badakhshan reportedly come specifically to exchange items desired by women for this harvest, which implies that women have at least a degree of control over the selection of assets they acquire from *paschin*. More field research on these aspects of intra-household labor and control of finances in relation to opium production is needed.[74]

Other studies report that women involved in poppy harvesting provide most of the labor but have little say in whether they or their families should

be involved in opium production, as the men in their families make these decisions. The women complained of arduous labor in weeding and thinning the poppies. They also said that they and their children, whom often worked alongside the women, became sick from lancing the poppies in the initial processing steps of extracting the opium. The women in these studies stated that they would welcome other means to make their livelihoods.[75] Further research is also needed on the role of women in opium cultivation and possible options for alternative livelihoods for women.

Serious illnesses and death are attributed to working in poppy production. To illustrate, a staff member at a local hospital in Nangarhar talked with us about the admission of unconscious children and teens who had been working in the poppy fields. One of the doctors in the hospital spoke of serious illnesses due to drug poisoning of those harvesting and lancing the crop. Addiction may also be rising. In Herat, the health director of a drug rehabilitation center reported an increase in the numbers of drug addicted males between 2002 and 2003.[76] A number of public health officials in the Herat area predicted that there was most likely also a significant number of female drug addicts, but stated that cultural constraints prevented the health centers from admitting female patients. As of 2003 there were no resources available to establish a separate facility for women.

The cost of medication and treatment of drug-related illnesses, including addiction, causes indebtedness, places heavy burdens on families, and negatively affects household incomes. For example, we interviewed a truck owner/driver in Herat with a heroin addiction who reported spending large portions of his family savings and assets on treatment and medications.[77] Research in areas with historically high levels of heroin consumption in the Wakhan district of Badakhshan indicates that opium addiction can lead to roughly a doubling of a family's expenditures and shows that addiction is linked to high levels of household debt.[78]

MARKETS

Findings:

- Most rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces were able to access markets in 2003, even in extremely remote areas.
- Increased market access for rural Afghan males between 2002 and 2003 in Badghis, Herat, Kabul, Kandahar, and Nangarhar was attributed to increased security and availability of transportation.

- Decreased market access for rural Afghan males between 2002 and 2003 in Badghis, Herat, Kabul, Kandahar, and Nangarhar was attributed to poor conditions of roads, insecurity, illegal taxation, and extortion (often via roadblocks and "check posts").
- The majority (>50 percent) of rural Afghan women in these provinces were prevented from accessing markets, due to cultural constraints enforced at the village and household levels.
- The ability of rural Afghans to access markets is linked to their access to health care, education, information, and systems of formal justice. Very few rural women are thus able to access these systems and institutions that are found in parallel to market centers.

Market access is essential to the livelihoods and human security of rural Afghans. Rural Afghan "markets" include spatial and personal relations that revolve around economic systems of credit, exchange, trade, and transport, as well as social networks and family, tribal, and client relations. Markets provide a space for transaction of goods as well as information and market centers often double as the location of education, health care, and formal political and judicial systems such as district authorities, police, and courts. This book takes into account all aspects of markets, but focuses primarily on access to the physical entity of markets as centers of commerce and services as well as important locations for financial, social, and informational exchange.

Rural Afghans, even those who produce all or part of their own food needs, rely on markets to acquire (through sale, trade, or credit) basic items such as oil, tea, salt, and sugar, as well as household supplies, soap, cloth, and medicines. People also access markets to sell their agricultural produce, carpets, handicrafts, firewood and other natural resources, wool, and livestock. Sale of these items and sale of labor in market towns is essential for the well-being and livelihoods of many rural Afghans. At the same time, market towns at the district and provincial levels are often the location of clinics, schools, and pharmacies, as well as the distribution points for some international assistance. At the rural level, market centers usually house the district authority, court system, and police.

Traders have always played an important role in the market system in rural Afghanistan. War and shifting power dynamics have altered trade networks, changing who controls these networks, who are involved in these networks, and what type of goods are traded in the market systems. For instance, Pakistani middlemen are increasingly involved in the trade networks in the south of the country. Trade networks that once extended throughout Central Asia are now primarily focused on export to Pakistan.[79] Rural producers take goods to markets, but traders also come to rural producers and purchase goods. In insecure

Table 9.4. Change in Access to Markets, 2002–2003 (in percentages)

	Badghis	*Herat*	*Kabul*	*Kandahar*	*Nangarhar*
No market access[a]	59	43	34	50	51
Market access decreased	14	15	13	15	0
Market access increased	22	12	30	0	19

Note: Based on the analysis of our primary data.
[a]Reports of "no market access" take into account answers from individual men and women, which explains why numbers are at roughly 50 percent for most areas. While most *households* have market access, most individual women do not.

areas or areas with poor road networks, farmers are likely to be more inclined to produce goods that do not require the risk or time of transport to market. This calculation may play into the rise in poppy production, as farmers know that the traders will make farm-gate purchases of poppy and therefore the farmer (or their family members) will not need to take their product to market.

Rural Afghans and Market Access

Throughout Afghanistan, most people have some access to markets, even in extremely remote areas. Nearly all households in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces were able to access markets, even if access was irregular and sporadic or was done indirectly, such as by hiring someone else to go to markets. However, while most households have some ability to access the physical locale of markets, not all individual respondents are able to directly access markets (table 9.4). This is overwhelmingly true for women (discussed below in more detail). For our study population, the main factors limiting market access were, in order, gender constraints, distance to markets, lack of transport, poor security on roads, illegal taxation, and extortion on roads (often by government soldiers manning check posts).

Distance from markets and lack of transportation are the primary factors limiting the market access of men in our study population. Some villages in our sample were four to five hours from the nearest market by four-wheel drive vehicle and more than eight to ten hours away by foot. Trips to the market in these areas were made only once every several months. Taking goods, especially large amounts of produce, to the markets across such distances is extremely difficult and costly, and is made more time-consuming by difficult terrain and the poor condition of rural roads.

For rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar, most (>50 percent) reported no change in their access to markets between 2002 and 2003. Results were mixed for those who saw change, with some reporting increased access (Badghis, Kabul, and Nangarhar) and others seeing a decrease (Kandahar and Herat) between 2002 and 2003. Economic growth and increased commerce and trade in many areas brought a greater supply, availability, and variety of goods. The reissuing of the national currency (Afghani) made it easier and safer for people to engage in cash transactions. Improved roads and greater road safety in some (but not all) rural areas also brought a rise in market access.

Market access also increases with improved security and greater freedom of movement for men in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar. People from Kabul province often referred to the end of the Taliban era and the presence of ISAF when discussing changes in security and the associated effects on their market access. The end of the war between the Northern Alliance and the Taliban saw the removal of the front-line from the northern districts of Kabul province. This development helped facilitate the reopening of markets for returning populations, and brought the end of harassment and physical abuse by the Taliban in market centers, thereby allowing greater market access.

Testimonies from respondents in our study population illustrate how the Taliban's strict control over public spaces affected efforts by rural Afghans to pursue their livelihoods by engaging in commercial exchange in market centers. A Pashtun woman's description of the harassment and abuse of both her and her husband shows that Taliban repression was meted out not only on the grounds of gender or ethnicity. The woman from Mir Bacha Kot, Kabul, discussed her fear of going to the market when the Taliban were in control: "The Taliban made our lives very insecure. We were beaten when we went to the market; they beat us and our men and arrested the men saying we had guns. They held my husband in prison until I brought in a weapon [to hand over]. Then even the men were banned from going to the bazaar."[80]

The Taliban is not the only group that has hindered the livelihood strategies of rural Afghans in recent years. In parts of Badghis, improved security and greater access to markets has come with the withdrawal of militias that terrorized, looted, and destroyed much of the Pashtun-held land and villages (as occurred throughout Bala Murghab district). The militia's departure and some physical road improvements enable more goods to be transported to the markets. As a result, nearly a third of rural Afghans in our study population in Badghis reported increased market access between 2002 and 2003.

In Nangarhar, improved road conditions and improved security were the reasons rural people were able to increase their access to markets. Rural people in Kandahar reported only decreases in market access, due primarily to the deterioration of the roads and limits on transport.

The case of Kandahar illustrates that the condition of roads and access to transportation are key determinates in market access. Very few rural Afghans

have cars, and those that do often run taxi or transport services to and from market areas. The cost of transport, however, is beyond the means of most rural people to utilize on a regular basis. The loss or death of camels, horses, and donkeys during the drought has also limited the transportation options of rural Afghans (see Livestock in chapter 8). The poor and very poor are less likely to own large animals and thus have greater difficultly getting to markets than those who are relatively better-off.

The lack of transport in remote areas is also a problem when humanitarian assistance is delivered to and dispersed at a central location such as a market center. Only those people who have donkeys or other means to get to the distribution point are able to access the relief, as explained by an old woman in a remote village in Paghman district, Kabul: "The men go to Paghman center and collect the relief and bring it back. It is not distributed in the village. The rich people who are powerful take the help, but the poor people who can't get to the district center do not get anything."[81]

If this is an accurate description of recent relief distributions in the area, then female-headed houses (who are much less likely to own livestock or to be able to travel to markets) have little to no direct access to relief delivered in this manner. Instead they must depend on charity or on neighbors or relatives to collect and transport the assistance on their behalf.

International donors recognize the importance of transportation infrastructure in improving the rural economy. The building or repair of roads, bridges, and tunnels is a top priority of international assistance programs. For instance, USAID has funded the repair of the critical Kabul to Kandahar road. USAID has also provided funding for the construction or repair of 1,000 kilometers of rural roads.[82] We must keep in mind that Afghanistan suffered years of war and relative neglect in respect to international development projects, and it will take many years and extensive financial commitment before road networks reach many of the more isolated areas of the country.

Taxation and Extortion

Market access is limited by illegal taxation or extortion on roads, and we recorded such practices throughout Kabul and, to a lesser extent, in Kandahar and Badghis provinces. In some areas of Kabul, Kandahar, and Badghis, entrepreneurs reportedly have set up waypoints for traders or travelers to spend the night so as to be able to pass through the more insecure areas in daylight.[83] Armed groups, military factions, and local commanders set up roadblocks and the prevalence of roadblocks throughout the country is reportedly on the rise. Illegal roadblocks had existed in the far eastern sections of Herat province, but had ceased to operate by fall 2003 due to a personal intervention to

secure the area by Ismail Khan, the governor of Herat, who worked with local populations to establish checkpoints manned by local men.

Our interviews in parts of Kabul province illustrated the seriousness of the problem with roadblocks in select areas. In Musayi, south of Kabul city, the "soldiers" man roadblocks (euphemistically called "security posts"). The soldiers reportedly stop vehicles traveling to markets in Kabul and demand "taxes" for the agricultural produce or other goods carried in the vehicle. The soldiers levy payments based on the size and nature of the cargo, or occasionally simply take all the money and valuables in the possession of the vehicle's occupants. Local people apparently have little recourse to address the situation. One farmer in Musayi reported paying Afs. 1,500 (US $32) at a checkpoint when transporting his onions to market. He said: "When I complained to the head of the village and asked him to discuss it with the head of the district, he said, "You are lucky, normally they charge Afs. 3,000."[84]

Each producer, buyer, trader, and transporter factors in the risk and opportunity cost of bringing goods to market or making a trip to the market. This means that distance, poor roads, insecurity, and extortion depress market systems and limit people's access to markets. People are unlikely to transport their goods to market over great distances unless the selling price of their good is very high, as otherwise the price (in hours or cash) is too great an investment and risk.

Roadblocks and illegal taxation affect markets if people are unable or unwilling to traverse dangerous areas or pay high fees at checkpoints. In the case of Musayi and Surobi districts in Kabul province, for instance, people traveling on the roads stand to lose an entire load of produce or all of their purchases at the roadblocks, making a trip to market a risky and potentially extremely costly endeavor. Trading strategies will shift if the number of roadblocks continues to increase, ultimately leading to less availability and diversity in the markets. Changes in market price due to extortion and insecurity have occurred already in Musayi. One onion farmer explained that demand had fallen in lower Musayi due to the presence of a roadblock, where a bag of onions was selling for Afs. 500. There is no roadblock in upper Musayi and onions were selling for Afs. 700. The farmer explained that demand had fallen because, "businessmen avoid coming to the lower Musayi because of illegal taxation."[85]

Women and Markets

As individuals, rural women have significantly less direct access to markets than men (table 9.5). Widows in our study population reported the greatest difficulties in accessing markets. Less commonly, some rural women could go to markets when accompanied by a *mahram* and some women explained

that older women could go to markets, but that younger women (of childbearing age) could not.

In Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, the majority (>50 percent) of female respondents reported that they could not go to markets. The majority (>50 percent) of women said that cultural constraints were the main reason for their limited or nonexistent market access. The majority (>50 percent) of men also said that women from their villages were not allowed to go to market centers. A woman explained the cultural constraints limited female access to markets and elsewhere in the public sphere: "Our husbands say that we are women, and women are 'for the house,' while men are 'for the outside.' If we have a problem with pregnancy maybe we go to the city, and we go with our husbands and wear our burkas."[86]

Such restrictions were likewise reported throughout Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces (table 9.5). Following cultural constraints, the reasons most frequently cited by women for their lack of access to market included women's lack of control over household finances, markets being too far away for travel by women, and women prevented from leaving their households. For instance, we were told by a woman in Paghman, Kabul, "Women do not go to markets. Our husbands or male relatives do not let us."[87] An elderly woman explained that the distance made it difficult for women to access markets, "Women are not able to go to the market because it is too far away and only the men go."[88]

Table 9.5. Rural Women with No Market Access and Women's Constraints to Market Access, 2002–2003

Province	*Rural Afghan Women Respondents No Access (%)*	*Rural Afghan Women in Your Village No Access (%)*	*First Reason No Market Access for Women*	*Second Reason No Market Access for Women*
Badghis	99	74	Cultural constraints	Women have no control of money
Herat	78	76	Cultural constraints	Distance too far for women
Kabul	75	73	Cultural constraints	NA
Kandahar	96	97	Cultural constraints	Household prevents woman from going out
Nangarhar	88	100	Cultural constraints	Household prevents woman from going out

Note: Based on the analysis of our primary data.

Our analysis of 2003 NRVA data supports the data from our research and shows that, countrywide, the majority (>50 percent) of women cannot directly access markets and that female-headed households rely on male family members or hire males to go to the markets on their behalf. Similarly, our analysis of 2003 NRVA data also finds that, countrywide, women have almost no influence over household resources or finances and that rural women's freedom of movement is severely restricted (see Rural Women and Decision Making in the Household, in chapter 5). These factors exacerbate the lack of access to markets for women.[89]

Men and women in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar reported that women may go to markets occasionally when a trip to the market center is combined with an event that women commonly attend (such as a wedding or funeral) or a visit to the clinic. For example, women from remote villages in Surobi, Kabul, reported that the only time they entered the marketplace was when they were ill and were going to the health clinic. It is not only women from remote villages that face this problem, as a woman who lived forty-five minutes outside Kabul city explained: "The men bring everything from the market. It is not good for us [women] to go to the market. We only go to the clinic [in the market center] if we have a severe health problem."[90]

Research by AREU in five villages in the north of Afghanistan also found that women do not travel to markets to sell or buy goods. Instead, this responsibility remains firmly in the hands of the male household members. In the AREU study, elderly widows were found to be an exception, especially those without male children, and they were able to go to markets in these areas.[91] Our data, however, did not find similar patterns for widows in Badghis, Herat, Kabul, Kandahar, or Nangarhar provinces.

For many widows and female-headed households, cultural restrictions on accessing markets bring risks and create strain on their households. Female-headed households are forced to adopt alternative strategies to access markets, such as sending a young child or paying someone to go to the markets on their behalf. These measures negatively affect a household's long-term prospects by removing children from school or draining important cash resources. They can also negatively influence the human security of women and the security of their children. A thirty-two-year-old Tajik widow explained: "Here the men go to the bazaar, but as a widow with young children I have to send my little son [age seven] and this is not good."[92]

This woman's anxiety was due in part to the disappearance of several children from the surrounding area in the last year, two of whom were later found dead and partially dismembered. Women in the village cited these abductions as one of their major concerns. As explained by a neighbor of the Tajik woman:

> Last year there was a lot of talk about children being abducted in these areas and around Kabul, but thanks to God none were taken from this village. Although we did not see this with our own eyes what we were told from women in villages where children were taken was that [men disguised as] women came in burkas and carried the children away. We heard that they sell the children to transport drugs, by cutting open their stomachs and putting the drugs, like poppy and hashish, in them and then carry them across the border into Pakistan [as if they are sleeping children].[93]

Limits on female market access can have negative effects on the health, education, and social participation of women and, at times, their children. Clinics and pharmacies are often located near to market centers, but many women are denied the right to access these areas. Similarly, educational facilities (schools, adult literacy programs, vocational classes) are more likely to be held in market centers and, thus, are off-limits for most women. According to a widow from Guzara district, Herat:

> The government must decide to improve our children's future. . . . Me, my husband is dead, I have no father for my children. There is a need to improve our children's lives, and this means getting to markets and clinics. What is the difference between us as humans and those in power? Are we not also human? Do we not also need schools, health, and access to markets?[94]

As a physical entity, markets and market centers serve as an important social space that provides opportunities for interaction with other women and the exchange of knowledge and ideas. Market access might provide an opportunity for rural women to start to organize among themselves regarding common constraints and concerns and to gradually become more involved in civil society. Such organization will be crucial to address the poor state of women's human rights within Afghanistan (see Women's Participation in Political and Civil Life, in chapter 5). However, this regular interaction with other women was not an option for rural women in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, and it is highly unlikely that rural women in other areas of Afghanistan have this option.

DEBT AND CREDIT

Findings:

- Informal systems of credit were extremely stressed in 2003 in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, and few rural people in our study population reported being able to lend food or money to family or community members.

- Almost no rural women in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces can directly access credit, and women report that shopkeepers do not extend credit to women.
- The majority (>50 percent) of rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces took loans and increased their debt burdens from 2002 to 2003.
- The average monetary debt of rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces in 2003 was equal to the average income of one-half a year to one year's worth of full-time male labor.

Systems of debt and credit play an important role in the economy of rural Afghanistan. Debt is a widespread means of acquiring the capital to cover daily needs, as well as events in the household life cycle, such as marriage, a family crisis, illness or death, or an investment.[95] The loan cycle in rural areas has traditionally been seasonal; people engaged in agricultural labor take loans against the anticipated harvests and expect to be able to repay the debt after being paid for their labor or the sale of the crop. However, successive years of drought and failed harvests disrupted this system of productive loans and debt went unpaid. Households took on more debt to cover consumption needs, only to face another poor harvest and a deepening debt burden.

Informal and Formal Credit and Loan Structures in Rural Afghanistan

For decades there has been no formal credit structure in much of Afghanistan.[96] Informal systems of credit exist among rural Afghan populations where people frequently lend each other food and money. However, because of war, drought, and a worsening economy, this informal system appears to have become circumscribed to include only the closest family members. Importantly, the ability to extend credit is not necessarily an indicator of wealth, as nearly all those in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces who lend money and food are also borrowing.

Social networks underpin a household's ability to access credit. As discussed below, familiarity with the local shopkeeper is usually necessary to receive credit from the market. Similarly, the ability to borrow from friends or relatives will depend on strong social ties and familial networks. Mutual support networks also include the exchange of grain between rich and poor households. This form of social capital and exchange is particularly important for very poor households that lack other support mechanisms.[97]

Steady asset depletion during years of war and drought left many people unable to assist friends and relatives in need. A study examining livelihoods

and conflict in Afghanistan finds that "in certain areas prolonged crisis has exhausted even kinship systems, which indicates a further collapse in coping strategies."[98] Research in 2002 found that destitution was affecting the rural middle class—such as shopkeepers and traders—as well as the poor and very poor, and that systems of charitable and religious exchange to the poor were eroding as a result.[99]

Nongovernmental organizations have provided a type of formal credit to some rural Afghans. During the 1990s, international NGOs initiated a variety of credit schemes, primarily for income generation purposes, such as the purchase of milking cows or oxen for increased cultivation. Some international NGOs asked for guarantees, often from the village *shura*, to back the credit that the NGOs extended. But tensions arose between these NGOs and some of their rural beneficiaries with the initiation of such programs, largely because the NGOs wanted to charge an interest rate to cover defaults and running costs. Many Afghans consider charging interest to be in contradiction to Islamic practice (although the prohibition actually refers only to charging interest on cash or charging interest to an unknowing borrower). Regardless, most international NGOs did not extend credit to rural people for everyday costs (such as food, medicine, or basic goods, or to cover weddings or funerals), and thus these sources of credit likely did little to meet the actual demand and need of rural Afghans. Today, credit from NGOs in rural areas continues to be for productive purposes, and the majority of rural people have no access to formal credit.

The increase in humanitarian and development assistance programs in Afghanistan since the fall of the Taliban has brought a rise in the number of microcredit programs. NGOs (national and international) take on the role of the trader or the creditor for households or individuals involved in the programs. For instance, NGOs provide looms, materials, and basic trainings to help households move into carpet making, thereby replicating the role of the trader.[100] Microcredit schemes offer women loans to put toward carpet production or into other home-based industries. USAID has also funded a microfinance program for Afghan farmers.[101]

As with all loans, credit offered by NGOs to rural families carries some risk for the receiving families. To illustrate, a study of a microlending program run by an international NGO for carpet weaving in Faryab province found that the NGO lacked understanding of the role of carpets in household economies and how this role differed from one area to the next, broader market trends, livelihood systems within the community, and terms of trade for the carpets. In the absence of analysis of the larger context, the NGO did not have accurate information on how the microcredit program affected risk, vulnerability, and coping strategies.[102] Although one can presume that the NGOs seek to introduce favorable terms of loans, providing credit does increase a family's debt burden, at least in the short term, and may disproportionately increase the labor burden of certain family members such as women and children.

Accessing Credit

People take loans in the form of credit from relatives, neighbors, and shopkeepers, primarily to buy food, medicine, and to purchase basic daily items.[103] In areas that have seen heavy destruction due to fighting, such as much of Kabul and Badghis provinces, households may also seek credit in an attempt to rebuild destroyed homes.

Our data find that most (>50 percent) rural men in Badghis, Herat, and Kandahar cannot access credit, primarily because traders will not lend or because they are overborrowed. In Kabul, half of the men cannot access credit. In Nangarhar province nearly all rural men (91 percent) can access credit (table 9.6). The men in Badghis, Herat, and Kandahar primarily received credit from relatives and/or neighbors, while those in Kabul and Nangarhar took loans from both traders and relatives.

Women have more difficultly accessing credit and most (64 to 97 percent) do not receive credit from traders or relatives (table 9.7). For example, in Kandahar and Nangarhar, all women interviewed reported that traders and shopkeepers do not extend credit to women. This is not a new development, as women in Afghanistan historically have not been able to access credit.

Respondents from households that received credit from shopkeepers reported that they first had to establish a good relationship with the shopkeeper. Accordingly, our data found that villagers who live farther from market centers (and are thus less familiar with the shopkeepers) are less likely to receive credit. This factor also affects women, who are less likely to have established relationships with a shopkeeper because most rural women cannot travel to markets. A woman in Paghman district in Kabul explained: "The traders do

Table 9.6. Rural Afghan Men Who Can and Cannot Access Credit, 2002–2003

Province	*Men Can Access Credit (%)*	*Men Cannot Access Credit (%)*	*Primary Reason Why Men Cannot Access Credit*
Badghis	48	52	Traders do not extend credit/ overborrowed
Herat	43	57	Traders do not extend credit/poor credit history
Kabul	50	50	Traders do not extend credit
Kandahar	26	74	Traders do not extend credit/ overborrowed
Nangarhar	91	9	Traders do not extend credit

Note: Based on the analysis of our primary data.

Table 9.7. Rural Afghan Women Who Can and Cannot Access Credit, 2002–2003

Province	Women Can Access Credit (%)	Women Cannot Access Credit (%)	Primary Reason Why Women Cannot Access Credit
Badghis	36	64	No credit for women
Herat	8	92	No credit for women
Kabul	19	81	No credit for women
Kandahar	3	97	No credit for women
Nangarhar	12	88	No credit for women

Note: Based on the analysis of our primary data.

not know us, and the market is too far away for us to return to repay the loan. I think that we would be able to get credit if we knew the shopkeepers."[104]

Livelihoods and Credit

Some livelihoods depend more heavily on credit than others. For example, research on the carpet industry reveals high levels of indebtedness by families engaged in carpet making in Kabul.[105] The terms of trade of the carpet industry have shifted against producers in recent years, driving down the price of the final product. As a result, weaving households have become increasingly dependent on credit for raw materials.[106] Many weaving families do not own their own looms. They are dependent on the trader for providing the looms and also must acquire the raw material on credit. This system often eventually pushes the family into deeper debt.

The lack of productive assets, limited opportunities for income generation, and existing high debt levels in rural areas show the importance of credit in coping and survival strategies. Accessing credit, however, proves difficult for those families that do not have relationships with shopkeepers or for those who face weakened kinship and social networks because of repeated borrowing and inability to repay loans. Accessing credit for rural women is especially difficult. Households can overcome some of these obstacles to credit by adopting strategies that provide short-term returns but are usually exploitative over the longer term. As Bhatia and Goodhand explain: "Those involved in survival [e.g., lowest strata and most desperate] are confronted with high degrees of indebtedness, forcing many to become involved in carpet-weaving and hashish and poppy production, activities that tend to further lock families into cycles of indebtedness to traders."[107]

Few livelihood strategies other than poppy cultivation provide ready access to credit (see earlier section on Poppy).[108] Other inputs, such as land and seed, are also available in opium production, and poppy cultivation enables poor households to use their (often) only remaining asset—labor—to cultivate the labor-intensive crop.[109] According to research by Mansfield in 2001, advance credit is usually provided for one-half of the total market price of the opium expected to be produced, and the borrower must submit the opium for this amount at harvest time. For many poor households, the advance on the opium crop is the only source of credit they will receive in the winter months when food shortages are most severe.[110]

Credit arrangements with opium traders, landowners, or local commanders engaged in the poppy industry are usually exploitative for the small farmer or sharecropper. Mansfield's study, published in 2001, indicates that the wealthy control the terms of access to land and credit for the small-scale opium producers, sharecroppers, and laborers. For instance, in parts of eastern Afghanistan, rental prices for land were being calculated based on the profit that could be made by cultivating poppy, as opposed to the more traditional figures based on the cultivation of wheat. This means that in order to afford land rents, farmers are left with little choice *but* to grow poppy. The many poor households that cannot afford to rent land are left with the option of sharecropping or providing labor on poppy farms.[111] This landholding/labor arrangement and credit system are disadvantageous for the poor, locking many into a patron-client relationship. Sharecroppers face high interest rates on their credit advances and often engage in distress sales at the time of harvest. The need to repay the loans makes them unable to hold back part of the poppy crop until the market price increases.[112]

Debt Increases for Many Rural Afghans between 2002 and 2003

Most studies indicate that the majority of rural Afghan families have debt outstanding. Loans are usually provided in cash or food. For example, a study from three villages in Laghman province found that cash-only debt was the most prevalent, followed by a combination of debt in both cash and food.[113] Debt in food alone may be higher when people borrow primarily from shopkeepers, as shopkeepers will most likely be providing food or basic daily goods on credit, as opposed to cash.

We found that the majority (>50 percent) of rural households in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces had received loans of food or cash from a member of their family, community, shopkeeper, or employer between 2002 and 2003 (table 9.8). Most received the loan from a member of their family, with the fewest able to take loans from employers. The most common reason for taking loans was to provide food for the household. This was followed by loans to purchase basic items (shampoo, soap, clothes) and medicine. A rural woman from Qal-i-Now, Badghis, explained: "We take loans for food, salt, kerosene, soap, tea, basically everything we need in the house. When we find work we pay it back. We mainly buy everything on credit."[114]

Table 9.8. Rural Afghans Who Have Given or Received a Loan, 2002–2003

Province	Rural Afghan Households That Gave a Loan (%)	Rural Afghan Households That Received a Loan (%)	Primary Reason Why Loan Was Needed
Badghis	12	69	All basic items
Herat	13	75	Purchase food
Kabul	15	78	Purchase food
Kandahar	15	49	Purchase food
Nangarhar	10	75	Purchase food

Note: Based on the analysis of our primary data.

Investments in land or shelter accounted for a smaller percentage of loans. While the majority (>50 percent) of rural Afghans in our study population took loans between 2002 and 2003, we found that many fewer were able to help others by extending loans of food or cash (table 9.8). In nearly all cases of lending, loans were given to family members as opposed to neighbors.

Our data also show that of those rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar who saw a change in their debt, most reported increased debt loads (table 9.9). In Kandahar and Nangarhar, most (>50 percent) reported that their debt levels had not changed from 2002 to 2003.[115] In Badghis, Herat, Kabul, Kandahar, and Nangarhar some rural Afghans (3 percent to 20 percent) had been able to reduce their debt loads in this time period. Badghis residents reported a strong year for pistachio harvest and thus some households had been able to pay off some debt. In Kabul, increased work opportunities in Kabul city and reopening of markets helped some rural Afghans decrease their debt loads.

Notably, debt does not always correlate to levels of poverty. Households engaged in survival strategies have been found to have high levels of debt,[116] but wealthier households may take on larger debt burdens to make investments, pay bride price, or host ceremonies such as weddings or funerals.

In Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, most rural Afghan households were carrying debt levels equal to six months' to a year's salary of an average male wage earner (table 9.9).[117] In Badghis, Herat, Kabul, and Kandahar provinces, principal reasons for increasing debt were an attempt to cope with price increases, inability to cultivate land due to lack of water, lack of money to buy food, and illness. In addition, a number of residents in Kabul took on loans to rebuild destroyed homes, while, in Kandahar, some rural people reported taking loans to compensate for the death of livestock due to drought. In contrast, the predominantly agricultural population of Nangarhar had experienced good rain and snowfall and good poppy harvests and, as a result, most people in our study population in Nangarhar had been able to avoid increasing their levels of debt.

Table 9.9. Rural Afghan Households with Increasing and Decreasing Debt Loads, 2002–2003

Province	Debt Load Increased (%)	Debt Load Decreased (%)	Range of Debt Load Afs./USD	Median Debt Load Afs./USD
Badghis	39	20	Afs. 0–50,000/USD 0–1,042	Afs. 5,000/USD 104
Herat[a]	46	9	Afs. 0–9,000/USD 0–188	Afs. 3,100/USD 65
Kabul	55	13	Afs. 0–300,000/USD 0–6,250	Afs. 8,500/USD 177
Kandahar	40	3	Afs. 0–240,000/USD 0–5,000	Afs. 3,600/USD 75
Nangarhar	10	6	Afs. 0–400,000/USD 0–8,333	Afs. 10,000/USD 208

Note: Based on the analysis of our primary data.
[a]Data was gathered from the total study population for Herat regarding changes to their debt load since 2002. Due to surveyor error, we only surveyed 54 percent of the total Herat study population regarding their current amount of debt. In the other four provinces, 100 percent of study populations were surveyed.

Being in debt caused stress and anxiety for many in our study population. Some respondents expressed particular concern about the methods used to access loans. For instance, a Herati woman explained her concerns about her son who crossed illegally into Iran to earn money to pay off family debts: "My son is leaving again for Iran for work to send money for us. He went earlier to earn money for his bride, she cost US $2,000. He is going to return [to Iran], this makes me worry about him. . . . My son was caught the last time he tried to [illegally] cross into Iran and was severely beaten."[118]

For the rural poor, servicing debt can be extremely difficult and may involve strategies with long-lasting negative consequences. For instance, landowning families may lease or mortgage their land or part of their house in an attempt to lower their debt burden, but in doing so lose access to a crucial productive asset. There is a short jump to landlessness for families that have lost their land and productive capacity. Raising the funds to reclaim these assets may be nearly impossible for poor families, who usually spend any loans on food and other basic necessities. A woman in Qal-i-Now, Badghis, explained: "Some parts of our house are mortgaged. We got Afs. 3,000 [for the mortgage] but have eaten the money and now we don't have any money to try and get our house back."[119]

We recorded other strategies to service debt that can have potentially long-lasting detrimental effects, such as migration for employment, increasing child labor, removing children from school, selling reproductive animals, placing young daughters into early marriage, and selling productive or essential assets.

However, it is important to note that debt burdens are not uniformly negative, and that being in debt means different things for different households. Accessing credit is a means of coping, and, if servicing debt burdens do not have long-term or irreversible negative consequences, this coping strategy

may be more optimal than others. For instance, a family may be forced to choose between placing young daughters into marriage and borrowing money to cover family expenses. While going into debt may have negative consequences, these repercussions have less severe effects on the human security of the family—and, in particular, of the daughters—than the viable alternatives. With trade-offs such as these in mind, we stress that debt must be seen as a coping mechanism and must be examined in this context in order to fully understand the consequences on the human security of an individual or family.

Rural Women and Debt

The effect or impact of debt varies by age, gender, and position within a household. In Afghan society, male household heads bear the responsibility for the well-being of their wives and children and for household financial matters. Men are responsible for the repayment of debt. If a man dies, however, his debt is inherited by his surviving family members.[120]

Debt may be the responsibility of men, but our research shows that women are more likely than men to list debt burdens among their primary concerns. Debt can be such a pervasive concern within a household that the burden can weigh heavily on family members who do not have direct responsibility for servicing the debt, such as minors. In Paghman district, Kabul, an adolescent girl living in her father's home told us that her greatest concern was her family's debt, as her brothers did not have jobs.[121]

Women may be especially worried about debt in areas where women are more likely to be able to find work than men, such as in parts of Badghis where women and children make important contributions to household income by processing pistachios. In these cases, men may take the loans, but it is the labor of the women and children that will service the debt. A young woman from Badghis, who had been given as a child bride to help pay off her family's debt to a man forty years her senior, told us:

> We took additional loans this year from three different people. We will not be able to pay off this debt for many years, maybe five years. . . . This year my husband wants to go on Haj but due to lack of money he cannot. Some people in the village tell him they will lend him the money but I don't like this because I will have to pay off that debt with my work and the work of my children and I think that I will never be able to pay off that debt. This is a big problem for me.[122]

As detailed above, rural Afghan women have great difficulty accessing credit, primarily because men control resources and do not lend to women. This difficulty may also be due to restrictions on women's movements, which hinder the formation of relations with shopkeepers or traders. Lack of access to credit is a particular problem for widows and female-headed households, as reliance on credit is an important coping mechanism for destitute families. When women are able to access credit, they may face more limited livelihood options for paying off the loan. A woman in Badghis said: "My biggest concern is debt. I have a lot of debt due to being a widow and having no good food. The biggest concern of the women in this village is poverty because most of us women have no money."[123]

Debt and Interest

Charging interest on cash debts or charging interest without informing the borrower is prohibited in the Koran. Charging interest on items purchased on credit is permitted if the borrower is aware of the rate of interest. Rural Afghans speaking with us in Badghis, Kabul, Kandahar, and Nangarhar all reported that monetary loans given to them were done so with no interest. In Herat, two people in the study population reported being charged interest on monetary loans—both were widows who reported 100 percent interest compounded over a weekly and yearly basis.

Importantly, many rural Afghans *are* charged interest, but this interest may not be in monetary terms. Interest is especially common on items purchased on credit from shopkeepers. In these cases, interest is not levied directly, but may be included in the price of items purchased on credit. For example, a shopkeeper may charge 50 percent more for a sack of wheat purchased on credit than for the same wheat purchased with cash.[124] Many people in our study population did not consider these higher prices to be interest, but said that some groups were simply charged higher prices than others. Widows and female-headed households within our study expressed particular concern about this sort of interest levied through higher prices for goods bought on credit. The women's concerns were heightened due to their largely illiterate status, as most of the women were unable to read debt ledgers to keep track of their own debt, but were still responsible for repaying their outstanding loans.

NOTES

1. Adam Pain, *Understanding and Monitoring Livelihoods under Conditions of Chronic Conflict: Lessons from Afghanistan* (London: Overseas Development Institute, 2002), 10.

2. Although livelihoods are diversifying and many rural dwellers are no longer solely dependent on agriculture, small-scale farming does still play an important role in the livelihoods and subsistence of the poor, including the peri-urban and, in some areas, urban residents.

3. Adam Pain and Sue Lautze, *Addressing Livelihoods in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, September 2002), 30.

4. Culture and ethnicity may influence types of labor performed or livelihood strategy pursued. For instance, a 2003 recent report finds that ethnic groups that did not traditionally produced carpets are becoming more involved in the carpet industry due to the lack of viable alternatives. Michael Bhatia and Jonathan Goodhand, *Profits and Poverty: Aid, Livelihood and Conflict in Afghanistan,* HPG Backgrounder Paper (London: Overseas Development Institute, 2003), 14.

5. Barnett Rubin, *The Fragmentation of Afghanistan,* 2nd ed. (New Haven: Yale University Press, 2002), 37.

6. This figure refers to reports from 5,103 wealth group interviews with female focus groups in the 2003 NRVA. Men answered questions regarding women's labor in villages where interviews were not conducted with women, but these questionnaires are not included in the 5,103. See Hector Maletta, *Women at Work: Gender, Wealth, Wages and Employment in Rural Afghanistan, 2002–2003* (Kabul: Food and Agriculture Organization of the United Nations and the Ministry of Agriculture and Animal Husbandry, 2003), 9. Hector Maletta, Senior Food Security Advisor, performed a thorough analysis of the NRVA data on the labor contributions of men, women, and children, and we draw from his findings in this section of our report.

7. Maletta, *Women at Work,* 3.

8. Rubin, *The Fragmentation of Afghanistan,* 33.

9. Liz Alden Wily, *Land Rights in Crisis: Restoring Tenure Security in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, 2003), viii.

10. Jo Grace, *Gender Roles in Agriculture: Case Studies of Five Villages in Northern Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, February 2004), 7.

11. Grace, *Gender Roles in Agriculture,* 7.

12. However, the percentage of children working within the home, in the village, or outside the village is not known.

13. Maletta, *Women at Work,* 6. Maletta found that children earn 72 percent of the adult male wage for planting, possibly because children have a comparative advantage in planting, as spreading seed does not require much physical exertion or special skills.

14. The NRVA surveyors divided villages into four wealth groups, and then posed questions to representatives of the "medium-wealth" group, the "poor" group, and the "very poor" group. For the purposes of this study we have focused our analysis on data from the "poor" wealth group, but it is interesting to examine differences of gender and labor based on wealth as analyzed by Hector Maletta at FAO.

15. Maletta, *Women at Work,* 10–13.

16. Grace, *Gender Roles in Agriculture,* 6.

17. Floortje Klijn, *Water Supply and Water Collection Patterns in Rural Afghanistan—An Anthropological Study* (Peshawar: DACAAR, June 2002), 15.

18. Grace, *Gender Roles in Agriculture,* 5. The author points out that it was not possible to interview different wealth groups in all the villages, but that there appeared to be less socioeconomic divisions between women's labor in the villages in Saripul than in Faryab.

19. Alice Kerr-Wilson and Adam Pain, *Three Villages in Alingar, Laghman: A Case Study of Rural Livelihoods* (Kabul: Afghanistan Research and Evaluation Unit, 2003).

20. Grace, *Gender Roles in Agriculture.*

21. Kerr-Wilson and Pain, *Three Villages in Alingar,* 21–22. The Pashaie village is the village of the three that sells the greatest amount of wood on the market.

22. Studies on the effects of the poppy economy on household livelihoods show that women may be able to negotiate for cash wages in exchange for contributing to household labor on opium cultivation. The evidence indicates that the opium economy may be shifting labor dynamics and intra-household relations in some areas. Adam Pain, *The Impact of the Opium Economy on Household Livelihoods: Evidence from the Wakhan Corridor and Khustak Valley in Badakhshan,* (Kabul: A Study for the AKDN Badakhshan Programme funded by GTZ), 35–36.

23. Grace, *Gender Roles in Agriculture,* 15.

24. Maletta, *Women at Work,* 9.

25. Grace, *Gender Roles in Agriculture,* 6.

26. Women were only granted the right to work outside of the home in the 1970s, due to the efforts of the Democratic Organization of Afghan Women (DOAW), which had been formed by a small group of women's activists in 1965. Prior to this legal victory, the right to work outside of the home had been the privilege available only to elite women. Moghadam, *Modernizing Women,* 244.

27. Maletta, *Women at Work,* 10.

28. This is supported by Maletta's paper, *Women at Work,* 10.

29. Maletta, *Women at Work,* 7.

30. Grace, *Gender Roles in Agriculture,* 11.

31. Interview, Pashtun woman, age 21, Surobi, Kabul, November 8, 2003.

32. Bhatia and Goodhand, *Profits and Poverty,* 14.

33. Adam Pain, *Livelihoods under Stress in Faryab Province, Northern Afghanistan: Opportunities for Support,* a report for Save the Children (US) (Pakistan: Save the Children, Afghanistan Field Office, 2001), 58.

34. Bhatia and Goodhand, *Profits and Poverty,* 14.

35. Pain, *Livelihoods under Stress,* 58.

36. Pain and Lautze, *Addressing Livelihoods,* 35.

37. Our survey did not include specific questions on seasonal migration for labor opportunities, though this type of migration plays an important role in rural livelihoods, especially for landless families who survive off of paid agricultural labor and for families that are not fully grain sufficient. See Pain, *Opium Economy,* 37–38.

38. See Pain, *Opium Economy.*

39. These stories were repeatedly heard throughout Badghis, Herat, Kabul, Kandahar, and Nangarhar. Women in particular felt that migration for work had not had the positive effect they had hoped for when their male family member set out; this was particularly the case when their husbands left them behind with small children.

40. Bhatia and Goodhand, *Profits and Poverty,* 7.

41. Questions on remittances were asked late in the interview process after rapport had been established between the interview team and the respondent. Interviewees were aware that we were conducting an academic assessment and were not

delivering assistance based on need or economic status. These aspects may have resulted in lower levels of calculated underreporting of remittances than might occur in other vulnerability assessments or pilot studies for humanitarian programs. However, women made up roughly half of our study population, and women have little control over household finances or decision making, and therefore may be unaware that male relatives are receiving or have received remittances. Information from women could therefore bring lower rates of reporting.

42. Sue Lautze et al., *Qaht-E-Pool "A Cash Famine": Food Insecurity in Afghanistan 1999–2002* (Medford: Tufts University, 2002), 48.

43. Bhatia and Goodhand, *Profits and Poverty,* 11.

44. Bhatia and Goodhand, *Profits and Poverty,* 7.

45. Jonathan Goodhand notes that there has been a geographical shift in poppy production. In the 1980s, opium was produced in and illegally exported from more than nine countries, but by the year 2000 cultivation was concentrated in two countries—Afghanistan and Myanmar—and these countries accounted for 95 percent of all illicit opium produced. Goodhand, *Frontiers and Wars: A Study of the Opium Economy in Afghanistan,* Draft (London: SOAS, University of London, January 2003), 6, note 8.

46. Although cultivating opium poppies is a lucrative livelihood alternative for Afghan farmers and laborers, a very small amount of the total profits from the opium trade remained in the country or region. In 2001, an estimated 1 percent of total revenues went to farmers, and another 2.5 percent remained with dealers in Afghanistan and Pakistan. Goodhand, *Frontiers and Wars,* 7.

47. Goodhand, *Frontiers and Wars,* 13.

48. Pain, *Opium Economy,* 21. Our observations in Herat and Kabul support Pain's findings of families using only a small portion of their land to cultivate poppy. However, we found entire villages and districts engaged in poppy production in Nangarhar and Kandahar.

49. Interview, Ewan Macleod, Senior UNHCR Consultant, Kabul, July 20, 2003; Goodhand, *Frontiers and Wars,* 19.

50. Tufts team, field interviews with members of the Afghan Independent Human Rights Commission (AIHRC), Kabul, Afghanistan, October 2003; Goodhand, *Frontiers and Wars,* 12–13.

51. United Nations Office on Drugs and Crime (UNODC) and the Government of Afghanistan, Counter Narcotics Directorate, *Afghanistan Opium Survey 2003* (2003), 8.

52. Interview, Ewan Macleod, Senior UNHCR Consultant, Kabul, July 20, 2003.

53. UNODC and the Government of Afghanistan, *Afghanistan Opium Survey 2003,* 6. The Taliban passed the second of two edicts banning poppy cultivation in 2000, and production in 2000 fell to 74 metric tons (MT), down from 4,700 MT in 1999. (The declaration of poppy production as "un-Islamic" resulted in an increase in poppy production in non-Taliban-held areas, such as Badakhshan.) Poppy production rebounded nationwide after the fall of the Taliban in late 2001, and 3,400 MT of opium was produced in 2002. Goodhand, *Frontiers and War,* 1.

54. Interview with anonymous district authorities in Kandahar and Nangarhar, no dates given. It is important to note the difficulty in obtaining data on poppy cultivation. While we encountered poppy cultivation in every province in which we worked, we did not deliberately collect data on poppy cultivation in order to minimize security risks to the team and our associates. This section therefore draws heavily on secondary reports and other research projects.

55. Interview with district authorities in Herat, November 2003.

56. UNODC and the Government of Afghanistan, *Afghanistan Opium Survey 2003,* 51–52.

57. Pain, *Opium Economy,* 11.

58. Goodhand, *Frontiers and Wars,* 13.

59. Adam Pain and Jonathan Goodhand, *Afghanistan: Current Employment and Socio-Economic Situations and Prospects,* Working Paper 8 (Geneva: International Labor Office, InFocus Programme on Crisis Response and Reconstruction, 2002), 32–34.

60. Goodhand, *Frontiers and Wars,* 8, 18.

61. Goodhand, *Frontiers and Wars,* 14.

62. David Mansfield, *The Economic Superiority of Illicit Drug Production: Myth and Reality; Opium Poppy Cultivation in Afghanistan* (paper prepared for the International Conference on The Role of Alternative Development in Drug Control and Development Cooperation, Feldafing/Munich, Germany, August 2001), 13. The division of the crop between landlord and laborer and landowner and sharecropper varies in different parts of the country. Mansfield's report is based on field research conducted between 1997 and 1999.

63. Pain, *Opium Economy,* 12.

64. Goodhand, *Frontiers and Wars,* 14.

65. Goodhand, *Frontiers and Wars,* 7.

66. Goodhand, *Frontiers and Wars,* 8.

67. Pain, *Opium Economy,* 39.

68. Interview, Adam Pain and Alexia Coke, AREU, Kabul, July 21, 2003.

69. Goodhand, *Frontiers and Wars,* 20.

70. Mansfield, *Opium Poppy Cultivation in Afghanistan,* 9.

71. United Nations Office on Drugs and Crime (UNODC), *The Role of Women in Opium Poppy Cultivation in Afghanistan,* Strategic Study #6 (Pakistan, Afghanistan Country Office, June 2000).

72. UNODC, *The Role of Women in Opium Poppy Cultivation.*

73. Pain, *Opium Economy,* 21.

74. Pain, *Opium Economy,* 35–36. Based on information from David Mansfield.

75. UNODC, *The Role of Women in Opium Poppy Cultivation.*

76. Interview with the officials from public health directorates in Nangarhar and Herat, November 2003.

77. Interview with a dozen addicted persons in Herat, November 2003.

78. Pain, *Opium Economy,* 34.

79. Bhatia and Goodhand, *Profits and Poverty,* 12.

80. Interview, Pashtun woman, age 30, Mir Bacha Kot, Kabul, November 4, 2003.

81. Interview, elderly Pashtun woman, Paghman, Kabul, October 11, 2003.

82. USAID, *USAID Assistance, March 12, 2004, Program Summary.*

83. Interview, Ewan Macleod, Senior UNHCR Consultant, Kabul, July 20, 2003.

84. Interview, Pashtun man, Musayi, Kabul, October 15, 2003.
85. Interview, Pashtun man, Musayi, Kabul, October 15, 2003.
86. Interview, Pashtun woman, age 25, Musayi, October 15, 2003.
87. Interview, Pashtun woman, age 17, Paghman, Kabul, October 12, 2003.
88. Interview, elderly Pashtun woman, Musayi, Kabul, October 15, 2003.
89. Family constraints play a central role in the access of women to public places, but government officials are also involved in controlling female access to public spaces in some rural areas. Regulations on female access to public places are at times enforced with threats and violence by government officials. To illustrate, the District Authority of Jawand, a very remote district of Badghis, and his men took great offense at seeing a female member of our team and her Afghan female translator, even though they were fully veiled and in culturally appropriate dress. The district authority angrily threatened to have his men kill the women for coming to these public places, along with the male member of the team for bringing them. Interview, District Authority, Jawand, Badghis, November 17, 2003. The invisibility of women in the area was affirmed by an expatriate NGO officer who had been working in the district for over two years. He said that in his entire time in Jawand, he had never seen a woman in the district market. Interview, World Vision NGO officer, Jawand, Badghis, November 17, 2003.
90. Interview, Tajik woman, age 25, Mir Bacha Kot, Kabul, November 4, 2003.
91. Grace, *Gender Roles in Agriculture,* 6.
92. Interview, Tajik woman, age 32.
93. Interview, Pashtun woman, age 30, Mir Bacha Kot, Kabul, November 4, 2003.
94. Interview, Tajik woman, age 50, Guzara, Herat, August 25, 2003.
95. Rubin, *The Fragmentation of Afghanistan,* 34.
96. Prior to 1978 there was a formal bank and credit system in northern Afghanistan. Personal communication, Adam Pain, AREU, February 14, 2004.
97. Bhatia and Goodhand, *Profits and Poverty,* 13.
98. Bhatia and Goodhand, *Profits and Poverty,* 13.
99. Lautze et al., *Food Insecurity in Afghanistan 1999–2002.*
100. Bhatia and Goodhand, *Profits and Poverty,* 15.
101. USAID, *USAID Assistance: Afghanistan, March 12, 2004, Program Summary.*
102. Pain, *Livelihoods under Stress,* 59.
103. Historically, *kuchi* nomads also provided credit to rural peasants because the *kuchi's* trade routes meant that they were more fully integrated into the cash economy than most other rural dwellers. See Rubin, *The Fragmentation of Afghanistan,* 32. Severe livestock losses, degradation of pastureland, and curtailed migratory routes have led to increased destitution of *kuchi* in recent years and it is unlikely that this group presently provides a major source of credit in rural areas.
104. Interview, Pashtun woman, age 40, Paghman district, Kabul, October 11, 2003.
105. Bhatia and Goodhand, *Profits and Poverty,* 15. A study of 30,000 families in District 6 of Kabul found that 90 percent were involved in carpet weaving. These households had become increasingly dependent on credit for raw materials and food.

106. Pain, *Livelihoods under Stress,* 58.
107. Bhatia and Goodhand, *Profits and Poverty,* 9.
108. David Mansfield, *Alternative Development in Afghanistan: The Failure of Quid Pro Quo* (paper prepared for the International Conference on The Role of Alternative Development in Drug Control and Development Cooperation, Feldafing/Munich, Germany, January 2002), 1. See also UNODC, *The Role of Opium as a Source of Informal Credit* (Strategic Study #3, Preliminary Report, January 1999), 4.
109. Pain, *Understanding and Monitoring Livelihoods,* 15.
110. Mansfield, *Opium Poppy Cultivation,* 6.
111. Mansfield, *Opium Poppy Cultivation,* 5.
112. Pain, *Understanding and Monitoring Livelihoods,* 15.
113. Kerr-Wilson and Pain, *Three Villages in Alingar,* 14.
114. Interview, Tajik woman, age 30, Qal-i-Now, Badghis, November 21, 2003.
115. Although many reported that overall levels of debt had not changed, the high rate of respondents reporting taking loans since 2002 (see table 9.8) indicates that debt is still prevalent in rural areas, and it can be assumed that most people who reported "no change" have some level of debt outstanding.
116. Bhatia and Goodhand, *Profits and Poverty,* 9.
117. USAID officials in Kabul city speculate that an average yearly income for an adult male is approximately US $187 a year. We asked rural Afghans their current debt load (interviews took place from August through December 2003). We assumed an exchange rate of 1 USD:48 Afs., the going rate on the streets of Kabul city. Importantly, debt does not necessarily equate with loans. In the discussion of debt in our interviews, we are talking about monetary amounts owed, and much of the loans were provided in food or other commodities, and might not therefore appear in a household's calculation of monetary debt.
118. Interview, Tajik woman, age 50, Guzara, Herat, August 26, 2003.
119. Interview, Tajik woman, age 40, Qal-i-Now, Badghis, November 22, 2003.
120. Lautze et al., *Food Insecurity in Afghanistan 1999–2002,* 13.
121. Interview, Tajik woman, age 16, Paghman, Kabul, October 11, 2003.
122. Interview, Tajik woman, age 18, Qal-i-Now, Badghis, November 22, 2003.
123. Interview, Tajik woman, age 32, Qal-i-Now, Badghis, November 21, 2003.
124. Previous research conducted by Tufts in 2002 with focus groups found shopkeepers who were routinely charging interest rates as high as 100 percent for goods bought on credit. Lautze et al., *Food Insecurity in Afghanistan 1999–2002,* 14.

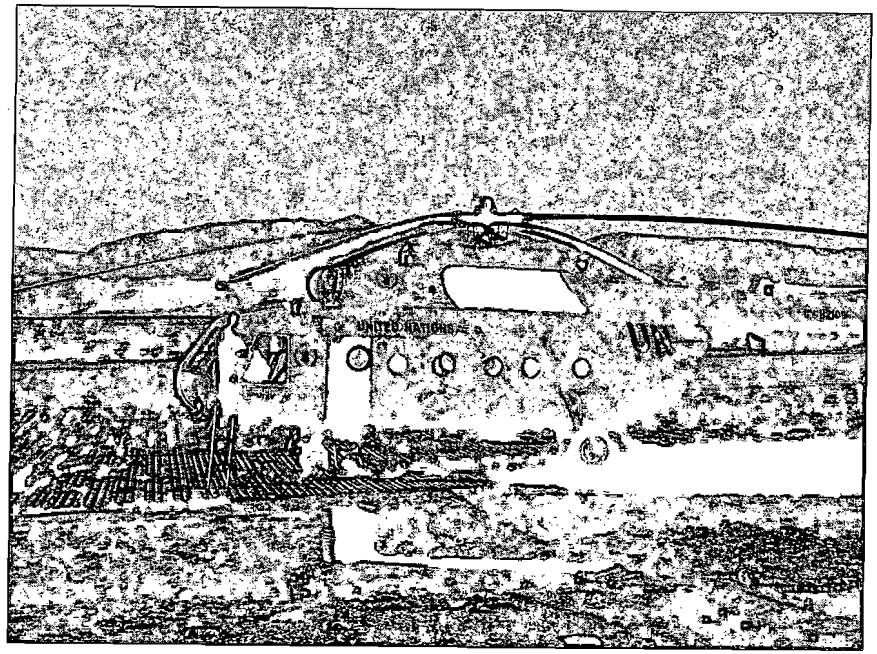

Figure 10.1. A United Nations World Food Programme helicopter prepares to take staff to conduct an assessment of food security in a remote area. Photo by Elizabeth Stites.

10

International Humanitarian Aid

Afghanistan has been a focus of international donors since the events of September 11, 2001, but much international assistance was flowing to the population of Afghanistan even before the collapse of the Taliban government. The nature of aid has shifted over time, with a focus on bilateral support, capacity-building, and the rebuilding of infrastructure in the post-Taliban era. Food aid has been a major humanitarian input, and food through general distributions or food-for-work programs was the most commonly cited type of aid received by respondents in our study population. Rural populations are less aware of other major inputs from the international community, including support to health care systems.

Although Afghans in our study population cited several interventions as having major and positive impacts upon their lives and livelihoods, particularly in regard to water and shelter support, there is dissatisfaction and suspicion about aspects of the humanitarian enterprise. In 2003 the most commonly cited complaints had to do with corruption and manipulation in the distribution of aid at the local level, and this was more commonly a problem for female-headed households. Frustration was also increasing at the slow pace of change in certain sectors, such as education. On a positive note, water and health interventions topped the priority lists of most poor and very poor rural Afghans countrywide and, as of 2003, these sectors were also near the top of the list of projects to be funded by international programs and donations.

HUMANITARIAN AND DEVELOPMENT ASSISTANCE

Findings:

- Since 2002, there has been a proliferation of scholarly and practitioner studies, surveys, and reports on Afghanistan, many of which were funded

by international donors. Many of the resulting publications have contributed significantly to enhancing an understanding of the current situation in Afghanistan.

- Countrywide, most households who received assistance in 2002 or 2003 were provided with food as part of a free food distribution, food through food-for-work programs, or a combination of food and cash through work programs.
- The majority (>50 percent) of the study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar reported receiving some aid during 2002–2003. International assistance is reaching even very remote rural villages.
- Many people in our study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar reported interventions that had profound and positive effects on their lives and livelihoods. This was particularly true of improvements to water sources, education facilities, and the receipt of construction or shelter assets.
- Overwhelmingly, countrywide, poor and very poor rural Afghan women and men prioritize improvement to their drinking water and irrigation structures. This is followed by improved access to health care, job opportunities, and road repair and construction. There are important differences in priorities based on gender and location.

International Assistance Pledged and Provided

The international community has long been involved in Afghanistan and the United States has provided significant military, economic, emergency, and development assistance over many decades. Foreign aid to Afghanistan has fluctuated in accordance with the Afghan regime in power, but the country received a substantial amount of assistance even under the Taliban regime. The United States was the single largest contributor of humanitarian and development assistance to Afghanistan prior to the events of September 11, 2001, and had been providing cross-border assistance to the Afghan people from Pakistan since 1985.[1] USAID did not have a mission to Afghanistan from the end of FY1994 until early 2002, but the US government still provided $176 million to Afghanistan in FY2001 (as of September 10, 2001), largely through NGOs and UN agencies. No American assistance went directly to the Taliban government.

US assistance to Afghanistan increased dramatically after the September 11, 2001, attacks on New York and Washington, DC. By October 7, 2001, the day the Coalition forces began the aerial bombardment, the United States had pledged $320 million in emergency assistance. At the Tokyo conference

in January 2002, the US government pledged an additional $296.75 million, out of a total amount of $4.5 billion pledged over a period of five years.[2] (This figure was less than one-half of the $10 billion requested by the Afghan government at that time.) Following a donors' forum in Brussels in March 2003, the United States provided roughly $820 million in assistance to Afghanistan in FY2003, including $100 million for road reconstruction.[3] At the conference of donors in Berlin on March 31–April 1, 2004, the international community pledged another $4.5 billion over the 2004 (Afghan) fiscal year and $8.2 billion more over the next three years.[4] The United States provided approximately $1.6 billion to Afghanistan in FY2004, including funds from both regular and supplemental appropriations.[5]

In another important and related development, there has been a proliferation of scholarly and practitioner studies, surveys, and reports on Afghanistan produced since the fall of Taliban in November 2001. International donors have funded many of these studies, and the resulting publications have contributed significantly to enhancing an understanding of the current situation in Afghanistan. Our book draws heavily on these manuscripts, many of which are cited throughout this document. The renewed scholarly and development focus on Afghanistan is a testament to the commitment of the international community to supporting, developing, and refining a knowledge base regarding Afghanistan.

It is worth reiterating that this book focuses exclusively on rural populations. Therefore, the book does not address the deliverance and effects of the large amounts of international assistance that have gone to projects in urban areas.

Assistance Received as Reported by Rural Afghans

Our analysis of 2003 NRVA data shows that, countrywide, most households who received assistance were provided with food as part of a free food distribution, food through food-for-work programs, or a combination of food and cash through work programs.[6]

In Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces, we found that many households[7] had received some assistance during the years 1999–2003 (table 10.1).[8] While we tracked a variety of forms of assistance, we list some of the more common forms of assistance in table 10.1.[9]

Based on our findings, assistance was primarily in the form of free food or food-for-work programs.[10] USAID is a leader in providing Afghans with food assistance through the UN World Food Programme. Additionally, USAID has provided over five thousand metric tons of fertilizer to one hundred thousand farmers in thirteen provinces.

Table 10.1. Rural Afghans Who Received Aid and the Type of Aid Received, 1999–2003 (in percentages)

Province	Free Food	Food for Work	Cash for Work	Improvements to Water Source	Livestock Aid	Seeds	Construction or Shelter Assets
Badghis	35	57	18	12	0	14	0
Herat	25	65	2	10	0	4	2
Kabul	38	35	3	15	0	13	33
Kandahar	28	50	4	1	0	4	0
Nangarhar	34	7	7	0	0	4	7

Note: Based on analysis of our primary data.

International assistance does reach very remote and rural villages. For example, we visited some rural villages after eight or more hours of driving on poor roads or up dry stream beds, hours of walking, or taking donkeys up the sides of canyons. Yet, in most cases, at least some members of the village populations had received aid—again, most often in the form of free food or food-for-work. Additionally, some rural men were migrating into other rural villages or district centers to work on humanitarian projects, such as road reconstruction or building homes for shelter projects, and thus were benefiting from work opportunities created by aid (see Diversity among the Income-Generating Labor of Rural Afghans in chapter 9).

WATER, SHELTER, SCHOOLS

While interventions such as food distribution fill short-term gaps, many people in our study population also reported interventions that had profound and positive effects on their lives and livelihoods over the medium and long term. This was particularly true of improvements to water sources and the receipt of construction or shelter assets.

Intervention by international and national agencies in repairing damaged *karizes* (irrigation channels) and installing new pumps and wells was reported as contributing to increased water quantity by 10 to 15 percent of rural residents in Badghis, Herat, and Kabul provinces who reported increased water quantity. Importantly, these figures correspond to those respondents who received assistance for water sources, which means that among our sample, water projects were overwhelmingly successful in increasing water quantity (see Water in chapter 8). To date, USAID has provided funding for the improvement or repair of nearly eight thousand irrigation projects that have affected 170,000 hectares of land.[11]

Interventions or programs directly aimed at improving livelihoods, such as repairs to wells or irrigation systems, programs for training in technical or marketing skills, or agricultural extension were less common but also have significant impacts.[12]

Shelter is extremely important to the livelihoods of rural Afghans, and the lack of adequate shelter remains a serious problem in areas that suffered extensive war damage, such as Kabul and Badghis provinces, or those that have seen sudden and recent population growth due to the return of refugees or internally displaced persons. As discussed in the section on land access in chapter 8, disputes over property are the primary concern of district authorities in districts of Kabul that saw significant increases in population from 2002 to 2003. These disputes clog the barely functional district courts. Importantly, property claims do not focus purely on agricultural land, but also on claims to houses and compounds. Some respondents in our study population who had rented their homes for many years expressed concern that the absentee landlords would return to reclaim their houses and land.[13]

Household size is often very large in areas of Afghanistan, especially in areas that experienced heavy damage during the war or are hosting a large concentration of returnees. For instance, in Musayi district in Kabul we visited households of nearly forty people. Respondents within such households expressed concern over the lack of space, lack of available land for sons to inherit, and shortages of housing space for the families of sons. Interviewees in large households commonly expressed concern about the lack of food for all household members and insufficient funds to cover emergencies such as problematic pregnancies or illness. For instance, an elderly woman in Musayi in a household with thirty-eight members explained that everyone in her family had to work very hard to have enough money to buy food for the extended household, and said that they had to borrow money to buy food and treat illnesses. One of the daughters-in-law had many problems during her pregnancy, and one of the older women in the household turned to begging to bring in extra funds to cover the medical expenses.[14]

Shelter is a pressing need for many in our study population. International organizations recognize this need, but face difficulties in providing housing or shelter inputs to the large numbers of people who lack access to land or secure tenure. This constraint means that it will be very difficult to resolve shelter issues in the absence of a uniform system of land restitution and redistribution or, at the very least, a codified statutory body of land legislation. In areas where people do have access to plots, some assistance organizations struggle to keep pace with the demand for housing or find themselves mired in local political struggles. For instance, a UNHCR project in the Shomali Plain north of Kabul has run up against many problems with the local and district *shuras* and the district authority, and rural Afghans in the areas are alleging corruption on the part of all involved parties

(i.e., UNHCR, the contractors, the local and district *shuras,* and the district authority).

Issues of shelter and property rights are very politically charged and sensitive, and these complexities may dissuade agencies from seeking extensive involvement in the provision of shelter. However, those individuals and families interviewed who had received shelter assistance reported that it had enhanced their human security at a number of levels. For instance, a rural beneficiary of the aforementioned UNHCR shelter project north of Kabul city said: "If our houses are not good our lives are bad and our kids are dirty [and more prone to illness]. I feel better about my children's security now because not only do we have a home, but we have a wall around our home so I feel much better now. . . . Since making our house we have peace and security."[15]

A rural woman whose home had been destroyed and was in the process of rebuilding her home at the time of our interview explained:

> At the time of the Taliban we sold everything in the house, either we sold it or we lost it to the looting of the Taliban. We used the money from all our possessions to buy food and shelter for our children. The Taliban burned everything, our crops, and our homes. In the city [as internally displaced persons] we were persecuted. Now it is better. Security means having your own house and being able to do what you want in your own house. In the city we had to rent and we were told what to do and how to do it and we were criticized. But now you see that we have just finished rebuilding the house. International NGOs have helped us rebuild, they gave us roof beams, windows, and doors. We have come back and people are coming back to make a new life.[16]

Importantly, many rural Afghans are unaware that their local clinics are funded and supported by international assistance. For example, USAID has rehabilitated 140 health facilities (clinics, birth centers, feeding centers, and hospitals), is constructing 50 new clinics, has already vaccinated 4.26 million children against measles and polio, and has provided basic health services to more than 2 million people in twenty-one provinces. Additionally, USAID has trained community health workers, community health trainers/supervisors, and staff from the Afghanistan Ministry of Public Health (see Health Care in chapter 4). However, most rural Afghans in our study population were unaware of the role of the international community in respect to health improvements. As discussed earlier (see Health Care), Afghans who reported improvements to their local clinics usually did not know the source behind these improvements.

In contrast, most rural Afghans are aware of international assistance to local schools (see Education in chapter 4). Based on our interviews, the novelty of the Back to School program seems to have subsided and some people emphasized that boys continued to be attending schools in tents and that there were often no schools (or no schools close enough) for girls.

Distribution of Aid

A number of people in our study population raised concerns about the manner in which aid was distributed. Some people placed the blame on the district authorities or village leaders and alleged that these officials were keeping the aid for their own enrichment or to share only with predetermined beneficiaries. For instance, a woman in Herat reported: "There was conflict during the aid distribution because it was not equal, some of the rich got the aid and the poor were left out. In this village, the village leader favors the rich."[17] Another respondent in Kabul said: "The head of the village received all the aid, and he distributed it. It was *not* a fair distribution, and I think that he cut each family's portion in half and kept half of it for himself."[18]

Other respondents in our study population simply felt that they had been ignored or overlooked in the distribution of assistance. For instance, when asked about aid distribution, a woman in Badghis reported: "The head of the district made a list and people on the list got things; others didn't get anything. We were told to gather and names were called. Our names were never called."[19]

Some women in our study population voiced complaints about the specific problems women face in receiving assistance. For instance, a widow in Qal-i-Now district in Badghis said: "We don't have any men to work on these [food-for-work] projects so we don't receive any tea, soap, blankets, and other things that the men receive."[20]

However, in this same district (though not the same village) we saw a project designed to include women in road reconstruction projects. Team members spoke to a woman who showed us large metal boxes outside her home, and explained that an "international group" was paying women in the village to "weave" these metal boxes that would then be used to hold rocks and stones to stabilize roadways and prevent erosion.[21] This initiative seems to be a way to involve women in projects that usually benefit only men, such as construction, while still enabling women to work within their homes (see Rural Women and Labor in chapter 9).

Widows reported some specific types of assistance that were not reported by the general community, as did refugees returning to Afghanistan. For instance, a widow with several widowed daughters told us that her family had received "special assistance," including a heater for the house, blankets, and seeds for a kitchen garden.[22] A woman who had been a refugee in Pakistan

for many years and had returned to Kabul province with her family two months prior to our interview said: "We received assistance on our way back from Pakistan. We were given grain, soap, and a tent. We are not sure who this assistance came from, but it was given to each returning refugee family. This was helpful, because we had sold all of our goods in Pakistan in order to make the journey."[23]

At the same time, some members of the study population expressed resentment over aid being provided to certain groups, and one woman told us that "some people pretend to be widows in order to qualify for assistance."[24]

On several occasions, we visited villages or households that had formed negative impressions of the assistance community, or that appeared to be experiencing pronounced survey fatigue.[25] For example, our female team members were forced to leave one household in rural Kabul when the husband came home and found his wives being interviewed. He said: "Many people have come to this village already and nothing has changed for us, and we do not want to talk to any other people who cannot bring us what they promise."[26]

Survey fatigue was particularly evident in the rural areas around Kabul city. People told us repeatedly that they had seen many national and international aid workers in their communities asking questions but that nothing had changed in their lives. On two occasions in Kabul province, we were turned away from randomly selected villages near to district centers—people in these areas had been inundated with NGOs but had seen few results and therefore were no longer willing to talk with international groups. We also encountered more violent responses to unmet expectations in the remote Surobi district of Kabul province. An angry group of men came out to meet our vehicle in a rural village and announced that they had previously decided to beat and imprison the next NGO workers that arrived in this village. Tensions defused after some negotiations among the men and our team and we were able to carry out work in the village. The villagers (and later the district authority) explained that they were very angry that NGOs had come repeatedly to their village but that no assistance had been received.[27]

Aid Priorities for Rural Women and Men

The 2003 NRVA survey included questions on the priorities of rural men and women for assistance and interventions by the government. Responses differed based on gender, wealth class, and region, but common themes cut across these demographic divides.

Countrywide, poor rural women prioritized improved drinking water, health facilities, and irrigation systems (see map 10.1 on the book's Web page). In the mountainous northeast poor women prioritized road improvements and in the east central area they prioritized job opportunities.

Rural women from very poor households countrywide prioritized (to an even greater extent than poor women) the need for improved drinking water, as well as improved health facilities (see map 10.2 on the book's Web page). Like their poor counterparts, in the mountainous northeast very poor women prioritized road improvements and in the east central area they prioritized job opportunities.

Rural men from poor households were clear that improved irrigation systems and improved drinking water were their top priorities for government intervention and assistance, with more emphasis on irrigation systems in the southern half of the country and more priority given to drinking water in the north (see map 10.3 on the book's Web page). In the northeast and east, poor men were more likely to call for improved economic opportunities. Priority by poor rural men for road repair and construction and improved health care was seen throughout the country.

Improved irrigation and drinking water was also the top priority for very poor rural men countrywide, although to a lesser extent than for poor rural men (see map 10.4 on the book's Web page). Very poor rural men tended to give more priority than their poor male counterparts to improved health care facilities, road repair and construction, access to credit, and job opportunities.

Poor and very poor rural men and women do not prioritize food assistance or work programs, which may indicate that these programs have already made a positive impact and have gone a long way in addressing short-term needs. Countrywide, improvement of water sources is the overwhelming priority for poor and very poor rural Afghans based on the NRVA data. Our data also show that water is a top concern for Afghans, and thus water interventions are one of our key final recommendations in this book. Likewise, improved health care is prioritized by those responding to both the 2003 NRVA and our research, and the continuation of community health care programs is therefore central to our recommendations. Importantly, international donors are prioritizing water and health.

NOTES

1. Kenneth Katzman, "Afghanistan: Post-war Governance, Security, and U.S. Policy," CRS Report for Congress (Washington, DC: Congressional Research Service, March 25, 2004), 36.

2. USAID, "Chronology of Major Events in Helping Afghanistan," available at www.usaid.gov/locations/asia_near_east/countries/afghanistan/timeline.html.

3. Katzman, "Post-war Governance," 37.

4. "National Press Club Newsmaker with Zalmay Khalilzad, U.S. Ambassador to Afghanistan: Afghanistan Status Report," National Press Club, Washington, DC, April 6, 2004.

5. Katzman, "Post-war Governance," 37.

6. Some of these results may be due to survey bias. As discussed in reference to security, rural Afghans (especially men) have enough knowledge of national and international assistance distribution procedures and networks to tailor their answers based on their audience. The NRVA surveyors worked, for the most part, in villages that had been visited by WFP's Vulnerability Analysis and Mapping (VAM) team for the past two years, and respondents would have known that their answers could affect the amount of assistance to be delivered to their area. This may have led to the underreporting of assistance received.

7. We had tracked data on the percentage of households that reported receiving aid. Unfortunately, upon analysis of Kandahar and Nangarhar provinces we found this data to be suspect—it did not correspond to figures collected on particular types of aid received. Therefore, this data set was thrown out.

8. Specific types of assistance received at the household level include grain, oil, charcoal stoves, charcoal, blankets, seeds, and "medicine for the trees."

9. Rows may add up to >100 percent because some individuals and households reported receiving multiple forms of assistance.

10. These findings are similar to those of a Tufts study from 2002, which described foreign assistance to Afghanistan as a "light dusting of wheat flour." See Lautze et al., *Food Insecurity in Afghanistan 1999-2002,* 40.

11. USAID, *USAID Assistance: Afghanistan, March 12, 2004, Program Summary.* For more information, go to www.usaid.gov/locations/asia/countries/afghanistan/. We did not seek to evaluate USAID programs, and we offer information here as provided by USAID.

12. It should be pointed out that many people did not consider certain programs to be "assistance," particularly if there were user fees or any sort of "reimbursement" program involved. For instance, people considered payments for the maintenance of community water pumps to be "taxes" and beneficiaries of a seed multiplication program stated that they had to "give back" the seeds that they had been provided. Since these sorts of programs were not considered to be "assistance" by the beneficiaries, it is possible that we found lower levels of assistance than would be reported by NGOs or private contractors in the same areas. Similarly, many women were simply not aware of where inputs to their households came from.

13. Interview, Pashtun woman, age 40–50, Musayi, Kabul, October 17, 2003.

14. Interview, elderly Pashtun woman, Musayi, Kabul, October 15, 2003.

15. Interview, Pashtun woman, age 27, Mir Bacha Kot, Kabul, November 3, 2003.

16. Interview, Tajik woman, age 38, Mir Bacha Kot, Kabul, November 3, 2003.

17. Interview, Tajik woman, age 50, Guzara, Herat, August 26, 2003.

18. Interview, Pashtun woman, age 17, Paghman, Kabul, October 12, 2003.

19. Interview, Tajik woman, age 30, Qal-i-Now, Badghis, November 21, 2003.

20. Interview, Tajik woman, age 32, Qal-i-Now, Badghis, November 21, 2003.

21. Tufts team observation, Qal-i-Now, Badghis, November 21, 2003. USAID's Office of Transition Initiatives (OTI) is providing funding for this sort of project.

22. Interview, Tajik woman, age 60, Paghman, Kabul, October 9, 2003.

23. Interview, Pashtun woman, age 40, Paghman, Kabul, October 11, 2003.

24. Interview, elderly Pashtun woman, Musayi, Kabul, October 15, 2003.

25. Various international NGOs (INGOs) also discussed the problem of survey fatigue in districts in Kabul and surrounding provinces that were easily accessible by road from the capital. Interviews, INGOs, July 2003.

26. Aborted interview, Paghman, Kabul, October 11, 2003.

27. Tufts fieldwork, Surobi, Kabul, November 5, 2003.

Part II Concluding Thoughts

Linking Human Security and Livelihoods

Nearly every aspect of the livelihoods of rural Afghans is linked to human security—human rights and personal security, societal and community security, economic and resource security, and governance and political security. For instance, access to markets is influenced by security on the roads, cultural and political restrictions based on gender, and ability to access credit. Likewise, access to basic resources is inextricably linked to local and regional power dynamics. We should not, therefore, consider access to markets, land, or water without factoring in the role of various powerbrokers—including the armed political groups—and their influence on the control over and access to these resources. Similarly, we must also remember that local social processes and political institutions, such as gender relations and ethnicity or governance structures, play a central role in livelihood strategies and outcomes.

Water remains a pressing concern for rural populations and the data show that decreasing, degraded, contaminated, and polluted water is perhaps the most serious issue in the lives and livelihoods of rural Afghans. Countrywide, the majority (>50 percent) of rural Afghans use irrigation ditches, lakes, streams, and other surface water sources for their primary source of drinking water. Yet, 48 percent of rural districts report that their primary water sources for drinking are not reliably potable (i.e., not suitable for drinking). In some areas of Afghanistan, the health and availability of critical natural resources, particularly land and water, continued to decline in the post-Taliban era. The health of these resources is seriously degraded and is worsening in many areas.

More positively, our data show a 10 to 15 percent increase in water quantity among the study population in Badghis, Herat, and Kabul provinces that is due to external (i.e., international donor) intervention. This increase

in available water is promising—especially as it occurs in three provinces which have seen population increases due to the settlement of returnees. Additionally, the time spent accessing water sources and the security of water routes do not appear to be problems for the majority of the study population in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces. These aspects of water access also have positive implications for household labor and physical security.

Countrywide, livestock numbers and the availability of fuel decreased from 2002 to 2003. These continuing declines are not unusual or unexpected in the wake of a severe and widespread drought. However, these declines cannot be solved with quick technical fixes such as restocking herds or distributing stoves, especially in the large portions of the country that lack adequate precipitation and vegetation for fodder. Rather, international and national policymakers, organizations, and donors need to recognize and address the underlying factors that have led to the decreases in these resources. One primary area is land health. The drought has compounded erosion, exacerbated the poor health of grasslands, and intensified unsustainable human practices of fuel harvesting, timber extraction, and overgrazing—all among the key factors contributing to the decline of land health. Environmental degradation of woodlands and grassland plays a central role in fuel decline and the loss of adequate pastureland for livestock, and must be addressed through combined, comprehensive, and creative strategies of land management, conservation, natural resource use, and economic opportunities.

Rural Afghans do not rely exclusively on agriculture. Many rural men, women, boys, and girls have numerous and diverse sources of income that are not agriculturally based. It is important to recognize the diversity of rural income generation strategies and to develop policies that look at rural men and rural women as distinct groups. The differences between these demographic groups are particularly apparent in regard to intra-household labor practices. The majority of households in rural areas utilize the labor of all able-bodied household members. Countrywide, 55 percent of rural women are working for income, most literally inside their homes. Many children are also working to generate income and some families in Badghis, Herat, Kabul, Kandahar, and Nangarhar reported that due to worsening family economics, they increased the amount of work that their children did between 2002 and 2003.

Rural Afghan women contribute to household incomes, for the most part working within their homes. Regardless of their income contributions, rural Afghan women have little decision-making power over household budgets or the sale of productive or nonproductive assets. Countrywide, rural women are paid less than rural men and often less than rural children for the same work. Countrywide, rural women themselves overwhelmingly report that it

is the constraints of their cultures, including lack of access to education and economic diversity, which prevents them from improving their livelihoods.

Migration of rural men is occurring increasingly within the borders of Afghanistan, with many men moving into urban areas in an attempt to take advantage of economic booms. However, the hoped for gains in economic conditions or living standards are often not seen by the families of the migrants who remain in the rural areas.

Poppy production continues to increase, with more and more Afghan families, and particularly women and children, employed in this trade. Poppy production is a clear example of the links between livelihoods and human security, as families will often take on opium production for the short-term benefits, but are likely to suffer long-term declines in human security as a result. Women and children who provide labor to household opium cultivation appear to often do so against their will and are exposed to the health and security risks associated with poppy cultivation.

The increase in poppy production highlights the important incentives that are available to opium producers but do not exist in most other types of rural livelihoods: credit, rural and mobile markets, the ability to use household labor close to home, and the availability of drought-resistant and high-value cash crops. These powerful incentives make opium production a highly attractive option for rural agricultural producers—landowners, peasants, and landless laborers—even though involvement in the opium trade may result in decreased levels of human security over the medium to long term.

Market access is directly affected by security. Where security has increased, rural men have experienced greatly improved access to markets for the sale and purchase of goods. Rural market access is poor in areas that are insecure or that experience extortion or illegal taxation by armed groups, including the police, police soldiers, and militias. For many rural Afghans, the ability to access market centers is accompanied by the ability to access schools, health care, credit, and formal justice systems. Thus, access to the physical locations of markets is not simply about reaching economic centers or exchanging goods. However, overwhelming, rural women are barred from market centers and thus cannot access health care, education, and local forums for justice and governance.

Market access increased from 2002 to 2003 in three of the five provinces we studied: Badghis, Herat, and Nangarhar. Importantly, these increases are attributed to improved road conditions and improved security, factors that have been a priority and area of investment by international donors. The use of checkpoints by commanders and at times the police poses a serious barrier to the recovery of the economy and should be taken up, where feasible, by the Coalition, Provincial Reconstruction Teams (PRTs), and ISAF forces.

Rural Afghans continue to have very high debt levels and debt burdens increased from 2002 to 2003 in some areas. We found that many rural Afghans use their loans for the purchase of all basic household necessities, as well as medicine and health care. Accessing credit is a coping strategy that provides access to basic resources. By increasing debt levels, households may be able to preempt more negative practices such as marrying off young girls or selling land. Thus, accessing credit as a coping mechanism is not necessarily detrimental when compared to the other options available for destitute households. Most rural Afghans do not have access to formal credit, but are using informal systems of credit (such as loans from relatives), systems which are themselves increasingly under strain. The majority of rural Afghan women in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces cannot access formal or informal credit. Lack of credit for women is not a recent development, but inability to access credit is one of the many challenges facing widows and female-headed households in Afghanistan.

The international community and the United States in particular have provided large sums of money to the reconstruction, development, and humanitarian efforts in Afghanistan. The 2003 NRVA and our data show that assistance inputs have reached many people, even those living in very remote areas. Livelihood-based interventions, especially in drinking water, irrigation, shelter, and education, are seen as having the greatest impact on people's lives, but also appear to be less prevalent in rural areas. Rural Afghan men and women prioritize water interventions, health care, education, road construction, and economic opportunities when they speak of needed intervention projects. For the most part, it appears that the programs of the Afghan government and the international community link closely to these expressed priorities. Assistance provided by USAID and other donors should continue to offer short-term food distribution where necessary, but should focus more on longer-term livelihood interventions, particularly the improvement, conservation, and quality of water sources; the provision of community-based and accessible (by women as well as men) health care; and shelter assistance. At the same time, it is crucial that donors and the Afghan government recognize the continuing power of the armed political groups and commanders in rural areas, and realize that nearly all assistance is subject to manipulation and control by these powerbrokers.

Part III

Rural Afghans and Systems of Justice: Formal, Traditional, and Customary

Figure 11.1. Primary court judges, district police chief, and attorney general's local representative (from left to right), Mohmand Dara district, Nangarhar. Photo by Neamat Nojumi.

11

Formal Justice Systems

With the Italian government taking the lead in providing direct assistance, the Afghan state justice system is moving toward reestablishing itself. The Afghan judiciary is one of the most underdeveloped and underfunded institutions of the state. The Afghan judiciary has suffered having a number of then dominant political ideologies imposed by different regimes that came to power through violent means. To point, in the 1980s, the various communist regimes made every effort to completely secularize the Afghan legal system and demoted cadres who were trained in Islamic jurisprudence. In 1992, the Afghan mujahideen regime introduced greater Islamization of the legal codes and cadres. In 1996, the Taliban regime denounced all secular codes of the Afghan legal system and pushed for full Talibanization of the judiciary. As result, hundreds of religiously trained persons with views that supported the Taliban were injected into the legal system, at the same time staff and cadres with secular and professional legal training backgrounds were forced out. These extreme and often long-term interventions in the affairs of the state judiciary has debased its legal foundation and circumscribed its independence.

In the post-Taliban Afghanistan, reforming and reconstructing the state judiciary became one of the most difficult areas of state-building. Due to the predatory influence of political regimes over its organs, the Afghan state justice system has lost much of its legitimacy. This has led people to rely increasingly on the nonstate justice system. However, the Afghan nonstate justice system also has been negatively affected by regime change, the rise of warlords, and the domination of militant armed political groups. As a result, both systems of justice fail to offer direct access for the Afghan citizens, particularly women. The post-Taliban rebuilding of the justice system has been

sluggish. Nonetheless, it is an arm of the state that needs substantial resources and time to rebuild.

THE COURT SYSTEM

Findings:

- The Afghan judiciary suffers from a severe lack of human capacity and material resources and judicial reform lags behind progress in other areas of the Transitional Islamic State of Afghanistan. However, this sector has received relatively little funding or attention from international donors.
- Legal expertise and technical training of judicial personnel varies widely. Of those who are trained, there is an ideological split between graduates of the *Sharia* School (who often apply the religious-based sources of law, some of which are not approved by the government justice system and are outdated) and those who attended the Law School at Kabul University (who often apply the state-formulated laws as their primary source of jurisprudence).
- The judiciary is highly susceptible to influence and interference of political and military leaders and corruption, and many appointments are made and cases decided based on personal, tribal, or ideological ties.
- For the most part, the court system presently is functioning only in the urban areas. The urban courts are overwhelmed by a high case load.
- Rural courts are extremely underresourced and subject to the will of local commanders. Judges and prosecutors in rural areas face security threats from commanders and militias.
- Rural Afghans, especially women, have very limited access to the court system.
- There are very few female judges or attorneys in the judicial system, which further limits the ability of Afghan women to approach the courts.
- Defense lawyers are largely unheard of in the Afghan legal system, but training programs are starting.

In the past, the authority of the formal Afghan legal system was limited to the provincial and district centers. The population in the rest of the country relied on informal legal systems that were based on custom and traditions and functioned via local forums of dispute settlement and conflict resolution. When seeking redress, rural people would often first approach a traditional local forum. If this forum failed to provide conflict resolution or to offer a suitable remedy, then people would approach a second tier and sometimes a third traditional forum. If all failed they might approach the official government courts in the nearest district or provincial center. In most cases, the government officials at the district level encouraged people to use traditional local mechanisms in order to provide greater services to the residents, foster community harmony, and establish workable relations between the state and society.

Today, Afghanistan's formal justice system outside of the capital comprises an estimated 255 primary (district) courts and 32 provincial courts. Kabul is home to the High Court of Appeal (*Estinaf*), which hears appeals made against decisions by the provincial courts, and the Supreme Court, headed by the chief justice. The Court of Cassation (*Tamiz*) acts as an administrative Court of Appeal within the Supreme Court.[1] In principle, all of these courts adjudicate litigations based on the legal codes embodied in the 1964 constitution and the Hanafi jurisprudence of Islamic *Sharia*. Additionally, there are now new provisions and special decrees issued by the Supreme Court and the president and using the Jafari Shia jurisprudence as a source of law is suggested in the new constitution.

In principle, the police (falling under the jurisdiction of the Ministry of Interior) and the autonomous Office of the Attorney General are tasked to enforce the body of law created and upheld by the formal court system. However, there exists a wide range of sociopolitical, logistical, and resource-related factors that have negatively influenced the ability of the formal justice system to apply the laws accordingly and appropriately, and the ability of the police to enforce these laws. The core paradox of the Afghan formal justice system is not, therefore, the absence of laws but, rather, the weakness of the central authority to enforce these laws in a just way.

Interventions of Donors and NGOs

Afghanistan's delegates to the conference that produced the Bonn Agreement agreed to use the country's 1964 Constitution as a legal framework until a new Constitution was ratified. This agreement conditioned the application of the 1964 Constitution "to the extent that its provisions are not inconsistent" with the Bonn Agreement or any international legal norms[2] to which Afghanistan is a signatory. The Bonn Agreement also allowed the Afghan Authority to amend or appeal provisions that contradicted the agreed provisions or international norms.[3] Although the newly formed Transitional Islamic State of Afghanistan (TISA) and later the Government of Afghanistan promised strong adherence to these international norms, the weakness of the judiciary and justice systems and the absence of resources has made the fulfillment of such promises elusive.

To further complicate matters, few of Afghanistan's national laws were codified or collected in one location. The twenty-three years of war brought the destruction of judicial institutions, and libraries and legal texts were burned and destroyed during the fighting. As a result, international agencies such as the International Development Law Organization (IDLO), based in Rome, and numbers of US-based organizations reproduced and distributed the Afghan legal codes (1976 civil and penal codes) among the judiciary sectors.[4] While IDLO has distributed a limited number of these texts, there are many more new cases than either the 1964 or the 1976 constitution can offer remedies for. In addition, there are new legal provisions issued by President Karzai or passed by the Ministry of Justice that are not available in text form for most of the courts in the country. Many judges throughout the country are unaware of these new provisions, while others may have heard about them only on the radio. As a result, the majority of judges are using religious-based texts that are several hundred years old when they rule legal cases.

Two years after the signing of the Bonn Agreement and more than two years after the establishment of the government of Afghanistan, the Afghan justice system is still struggling to put in place the basic elements essential for establishing the rule of law. The Bonn Agreement called for the establishment of three commissions: the Judicial Reform Commission (JRC), the Constitutional Commission, and the Afghan Independent Human Rights Commission (AIHRC). However, the Judicial Reform Commission remains underresourced in comparison to the other committees and has made little tangible progress in the reform of the judicial system. To date, a civil and criminal justice system is functioning in some areas with international assistance, but courts are extremely poorly resourced, and judges and prosecutors are not trained and are paid poorly and intermittently. There is no agreed on or codified system of law. The constitution was ratified in January 2004, but it will be years before a complete set of laws is created.

On December 17, 2002, IDLO convened a two-day donor conference held in Rome, at which Italy, the United States, the United Kingdom, Germany, Austria, and Canada pledged a total of US $30 million in support of justice sector reform in Afghanistan. The final statement of this conference acknowledged the Afghan Judicial Reform Commission (JRC) as the responsible body for reforming the justice sectors.[5] The JRC established four working groups to focus on: 1) law reform, 2) the structure and organization of the judiciary organs—the Supreme Court and the Attorney General's Office, 3) legal aid, access to justice, and the activities of NGOs dealing with legal initiatives, and 4) the physical and human capacity of the judicial sector. JRC has taken key

legal initiatives under work, but it has fallen short in coordinating its work with the Afghan justice organizations.

The Italian government is the lead donor to the judicial sector and sponsors the IDLO. To date, however, international donors have paid relatively little attention to the reform of the judicial system and reestablishing the rule of law outside of support for police training and reform. A forthcoming report on reestablishing the rule of law in Afghanistan states that the performance of Italy to date "is widely seen as lackluster and focused mainly on implementation of its own, relatively small projects. As a consequence, and despite the presence of some Afghan officials who are committed to reform, since the fall of the Taliban little progress has been made toward building a functioning justice system."[6] Italy is also the lead international actor in the justice sector's Consultative Group (CG), the system created under the auspices of Ashraf Ghani at the Ministry of Finance to coordinate donors, UN agencies, and government ministries. Unlike other Consultative Groups, the CG of the judicial sector has yet to develop a strategy for judicial reform and does not function in a meaningful fashion.[7]

The lack of human capacity is one the central problems of the Afghan judicial system at present. This problem of capacity has been recognized by donors, who have created two training programs for judges and prosecutors, but these two programs do not work in a coordinated fashion. The first program, run by the IDLO, is training approximately four hundred judges and prosecutors. This course entails a three-month, part-time training program for currently serving judicial personnel. The IDLO program has been the subject of criticism because it attempts to train prosecutors and judges together, even though they do very different jobs and serve different functions within the judicial system. Also, the IDLO program does not include training on the human rights of women or gender sensitivity, which is a serious problem according to some observers.[8] The IDLO is also continuing its work on the translation of existing legislation from the 1964 constitution.

The second training program is run by the Legal Education Center (LEC), a center set up under the auspices of the JRC. This program is a one-year course for young lawyers and began in May 2003. The first class includes 150 students, all of whom were employees of the Ministry of Justice, Supreme Court, or Attorney General's Office. Twenty of the 150 students are women. There are concerns regarding the long-term sustainability of this training program.[9] We received contradicting reports about the quality of these legal clinics. A long-standing judge criticized the IDLO for putting students with very different qualifications into the same program. He compared it to putting elementary, high school, and university students into one class. "The only

thing that I have learned was legal issues that dealt with international human rights laws, which I could have learned by reading a book," he stated.[10] In contrast, the head of the primary court in Mohmand Dara district of Nangarhar was optimistic about the IDLO's legal workshop and was encouraging other judges in Afghanistan to attend.[11]

Germany is the lead donor in the police sector and is working with the Ministry of Interior on police training and reform. A new police academy has been established and, as of November 2003, had a thousand cadets and five hundred noncommissioned officers in residence in either a five-year or three-month (for officers) training program. Working through the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), the German government development corporation, Germany has provided facilities for this trained police force, logistics for the human rights department of the police, training for a team of women counselors, and a small amount of funding for projects regarding the enforcement of law and order.

GTZ is also working to launch a major campaign for law awareness with a focus on human rights. In addition, UNAMA, UNICEF, UNODC, UNHCR, Norwegian Refugee Council, and the governments of the United States and United Kingdom are supporting a number of different projects aimed to improve access to justice. Italy, Germany, the United States, and the United Kingdom have all allocated funds to assist the Afghan government in building its capacity to enhance law and order, as well as trying to provide greater access to justice for average Afghan citizens. These funds are directed toward rebuilding infrastructure and training the existing government officials within the Ministry of Interior and the bodies that collectively make up the justice system. Despite the important assistance from these international agencies, the pace of training is very slow. In addition, key aspects to ensure that women's rights—rights shown throughout this book to be under constant threat—are upheld by these judicial systems are sorely missing. For example, neither the German nor the Italian programs for judicial reform or police training contain substantial areas for training on women's human rights, violence against women, domestic abuses, or rape response. The resources and efforts that have been injected into the formal system of justice during the last two years is a positive development. However, for the system to work, it will require a strategic needs assessment to find remedies for the shortfalls that have been raised in a number of reports, including those we raise here.

The Afghan judicial system is suffering from a severe lack of human and material resources. Many judicial personnel have little legal knowledge or experience. Shortages of basic facilities, low salaries, and an increasing number of litigations have created a nightmare for officials.[12]

The Afghan Independent Human Rights Commission

A bright light in strengthening the rule of law is the Afghan Independent Human Rights Commission (AIHRC). Established under the Bonn Agreement in June 2002, the AIHRC monitors rights and investigates human rights abuses and violations in Afghanistan. The AIHRC is the first independent organ in the history of Afghanistan tasked to ensure that the Afghan legal codes are in harmony with the international conventions to which Afghanistan is a signatory. In addition, the mandate of the AIHRC allows the commission to play a consultative role in the preparation of a national mechanism that will focus on transitional justice and also seek to account for past violations.[13] The AIHRC has expanded its work and presence through the establishment of satellite offices in the provinces of Balkh, Bamiyan, Herat, Kandahar, Nangarhar, and Paktia.[14] The AIHRC is widely respected and has developed close working relations with UNAMA and numerous international and national NGOs. The AIHRC has also established working relations with a number of government ministries, especially with the Ministry of Women Affairs. However, AIHRC officers report great difficulties with some provincial authorities, as well as commanders who control local armies. Nonetheless, the establishment of the AIHRC as a powerful presence has helped to open space for the possible creation of other rights-based civil society organizations.

The AIHRC is engaged in a number of significant justice projects around the country, among them joining UNAMA's investigation of conditions in Shiberghan Prison in November 2002. The AIHRC has also investigated the role of the Afghan police in the killings of several students during a demonstration in Kabul; the land-grab scandal in Kabul that involved several high-ranking government officials; and is working with the Return Commission for Pashtuns displaced from the north of the country in late 2002, as well as with the Security Commission for the north.[15] Working to strengthen the AIHRC, the United Nations Assistance Mission to Afghanistan (UNAMA) and the Office of the High Commissioner for Human Rights (OHCHR) offered workshops to train the Afghan commissioners and increase the commission's professional capacity. Since its establishment, the AIHRC has received hundreds of complaints about human rights violations and abuses, and today has the distinction of being the only source that average Afghan people trust to file a complaint or grievance without intimidation and fear of reprisal.[16]

Education of Judicial Personnel

The staff of the judiciary have a wide range of educational and training backgrounds. Most are graduates from local religious schools, with a small number from the *Sharia* School or the Law School at Kabul University. This

pattern is also found among the leadership in the judiciary. For example, based on our interviews with officials, including judges and prosecutors in Kabul, over 50 percent of those working in the judiciary and court system in the provinces have no official legal training.[17] Indeed, we found that in the provinces of Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar, the largest numbers of judiciary and court staff are theologians rather than legalists. They lack proper training in both Islamic and statutory laws. Many judges, prosecutors, and faculty of training institutions insist that the lack of professional legal education and training significantly contributes to the current problems with the Afghan judicial system. For example, in Herat, educated and trained judges emphasized in conversations with us that it is inappropriate to have a clergyman without any legal background as the head of the provincial court.[18]

The Law School and *Sharia* School differ significantly in the training they provide to graduates who will work in the formal justice system. The Law School accepts only those students who receive the highest scores (after medical college) on the entrance exam for social sciences. In contrast, the *Sharia* School admits only those students who studied at official or private religious schools. Students at both the Law and *Sharia* schools become familiar with statutory and *Sharia* law by following a four-year curriculum that combines both doctrines. Those students who are interested in judgeship enroll in a one-year program coordinated by the Ministry of Justice. Previously, all graduates of the Law and *Sharia* schools were required to enter the public sector, that is, the Ministry of Justice, the court system, or the public prosecutor offices.[19]

Neither the Law School nor the *Sharia* School provides four years of training exclusively in legal or judicial matters. To illustrate, the Law School provides two years of general education in social and political sciences and two years of training in law. In the *Sharia* School, students spend the first two years on general theological issues and the second two years studying *Sharia* law. These mixed curriculums provide a weak basis in legal education for Afghan legal graduates, with only two years of direct studies in law. The practice of law is extremely complicated in Afghanistan given the multiple sources of law (i.e., statutory law, *Sharia* law—Hanafi, Jafari, and Ismaili—and the constitutional provisions and amendments), and graduates of these legal training institutions are left with a very limited understanding of legal standards and practices. In addition, there is extremely limited professional knowledge regarding legal research, analysis, case studies, and recorded observation. Perhaps most important, legal graduates, court officials, and judges have little knowledge of customary law, which is the most widely followed form of law in rural Afghanistan. According to Denis Gallagher, director of Afghan Governance and Legal Reform Program:

> This inhibits execution of proper justice but also the ability of the country to relate to commercial/trade/international relations issues in a manner that involves local capacity. This problem must be rectified. Establishment of training programs for lawyers and the establishment of a Bar Association or some such support capacity for recognizing lawyers are important.[20]

The Afghan justice system cannot and will not be compatible with the international norms and standards without establishing certified, independent law schools that train and certify qualified candidates exclusively in law and related practices.

Access to Legal Texts

The dominant language at the law schools is Dari or Pashto, but very few documents (including research texts, case studies, and comparative analysis) are available in either language. The dominant language at the *Sharia* School is Arabic, but no statutory articles or constitutional amendments specific to Afghanistan have been translated into Arabic to date. As a result, legal analysis regarding cases in Afghanistan is rare or nonexistent in either Arabic or an Afghan language. This dearth of research and publications has led many Afghan legal experts to rely exclusively on legal texts and analysis that are published in other countries and are frequently not applicable to the legal system and cases in Afghanistan.

Due to the absence of official training, comprehensive legal education, and relevant texts, many judges are unfamiliar with the law and make decisions without any reference to the government-approved legal codes or standards.[21] As of January 2003, there was no complete set of the Afghan Penal Codes available in the country.[22] In many areas, particularly at the district level, we found that judges' personal opinions were the primary or only source of law. Many judges do not have access to any texts and do not use any written laws. On occasion, we found that judges are relying on their privately owned legal texts interpreted by non-Afghan sources and printed outside of Afghanistan. These external texts are beyond the sources permitted under the legal jurisdiction of Afghan courts.

There is a lack of cohesion between legal texts and sources of laws at the national level. In turn, the lack of a standardized central system results in weak legal and official relations between the urban center and the rural periphery, as discussed above. Legal provisions ratified in Kabul have little effect on the local practice of judges and prosecutors. In most cases, the primary and provincial courts rely heavily or solely on the experience and knowledge of long-standing officials who have been working in the judiciary for over a decade, and these officials operate largely beyond the influence of Kabul. To

illustrate, in Surkhroud, Nangarhar, all the primary court officials, including the head judge, were relying on the knowledge of an assistant judge who had been in the system for over twenty years.[23] A similar pattern was noted in the provincial court in Jalalabad, Nangarhar, where the leadership depended on the consultation of long-standing staff, rather than on official legal codes and Kabul directives.[24] In Gozara, Herat, the head judge of the primary court often consults with more experienced judges, including prominent legal experts at the provincial court, when finalizing his legal opinions. In such cases, the rulings of the court systems rely heavily on the expertise of local staff rather than legal texts and legislated codes.[25]

Staff of the Formal Judiciary

The current composition of staff, cadres, and leadership in the law enforcement agencies and the judiciary (the Ministry of Justice, the Attorney General's Office, Supreme Court, Afghan court system, and the Ministry of Interior) forms an imbalanced and often antagonistic system, wherein the rank and file personnel within different departments appear to misunderstand their positions within the legal system and do not interact appropriately. One of the underlying problems with the justice system is the compartmentalization of the Supreme Court, the Attorney General's Office, and the Supreme Court. These three bodies have poor relations and limited communication with each other and often seem to work at cross-purposes.[26]

Ministries and offices express frustration about their overlapping and unclear mandates and the lack of a due process of the rule of law. To illustrate, the Office of the Attorney General believes that it is an independent entity within the formal justice system, while the leadership of the Ministry of Justice believes that the Attorney General's Office should fall under its directorate.[27] In our interviews, officials within the Supreme Court complained that their "independent" space had been repeatedly violated by the officials from the Executive branch and that officials within the Executive branch use budgetary restraints as a means of applying pressure on the Supreme Court.[28] Additionally, judges and prosecutors in Kabul complained that Kabul police arrest and release people without the involvement of the courts. The police contend that those they arrest end up back on the streets due to the misconduct and inefficiency of the courts. Judicial personnel suggested that the police act in this manner mainly because they do not know the parameters of their jobs and, therefore, the police are attempting to take on the combined duties of law enforcement officers, prosecutors, and judges. (As discussed elsewhere in this book, other observers would say that the unsanctioned activities of the police are designed to intimidate, acquire personal power or wealth, or build allegiances with certain populations or political groups.)

Appointment of judges, especially head judges of the primary and provincial courts, is often based not on the merit of their legal education and expertise, but rather on their personal, tribal, ethnic, or political affiliations with the district or provincial leadership. For example, several judges and prosecutors in Nangarhar noted that significant numbers of newly appointed judges in eastern Afghanistan are from the same subethnic group as the chief justice of the Supreme Court, who is responsible for judicial appointments. Additionally, a number of judges still in power were appointed by the Taliban regime and have strictly religious educations. The path to power of a given judge links closely to the patronage relationship built within the system, and many respondents reported that personal connections or political manipulation play a major role in judicial decisions. For instance, an active judge of the provincial court in Kabul stated, "We, the experienced staff, do the paperwork and rule on cases in a way that our bosses ask, not in a way that the justice should be served."[29] In Char Bolak district of Balkh, the judge sets motions when he and the head of the district meet in the livestock market and most cases are solved out of the court.[30]

High ranking officials enjoy almost total impunity in the absence of law and order and a working justice system in Afghanistan. For example, judicial motions against high ranking officials are likely to be dismissed or overturned by more powerful officials. There is presently no system for monitoring cases or initiating legal inquiry into the affairs of the upper echelons of the government. Publicized and well-known cases against high ranking officials, such as the recent land and property scandal in Kabul, are likely to be addressed only if the president intervenes.[31] The extent to which the country is now governed by decree is also an important element to be considered in the legal reform process.

Court decisions are often not enforced. This leads to frustration among many of the actors involved in the judicial process, including prosecutors, police, district authorities, plaintiffs, and defendants. Widespread reports exist of corruption within the court system. Plaintiffs complain about the police demanding bribes for enforcing the court orders; some victims of this extortion stated that they could barely survive financially while paying off the courts.[32] But little is done to bring corrupt officials to justice, even after an arrest or when the situation is public knowledge. For instance, a judge in a rural district of Kabul was recently arrested for taking bribes. Under the current law, taking bribes is considered a serious crime against the state that is meant to be tried in a special court. The head of the district sent the case to

the authorities in Kabul, but, by late 2003, no action had been taken against the judge and no replacement had been named for his district post.[33]

The Judiciary: Political and Military Influences

As discussed, of the judicial personnel who have had legal training, the leadership is divided between those who graduated from the *Sharia* School and those from the Law School at Kabul University.[34] Traditionally, the *Sharia* graduates represent the conservative camp in Afghan law and politics, while the Law School graduates represent the more progressive camp. This division extends to the cabinet and ministerial level, with members of the Ministry of the Interior considered to be reformists, and the judiciary/Supreme Court members known as the leading conservatives. This ideological split has led to wide rifts throughout the government and contributes to the ongoing failures in enforcing law and order and in reaching agreement on proposed legal reforms.[35]

Graduates from the *Sharia* School currently form a majority in the judicial leadership, and appear to be taking pains to appoint as many of their political loyalists as possible to positions in the judiciary and court system. Many of those affiliated with the *Sharia* School also have ties to conservative political parties, such as the Islamic Unity led by Mr. Sayyaf, Islamic Society led by Mr. Rabbani, Islamic Party led by Mr. Khaless, and former members of the Islamic Party led by Mr. Hikmatyar. In turn, this link between the judiciary and the conservative parties has had a tremendous impact on judicial reform and the formation of the new constitution. The conservative majority's grip on the Afghan judiciary is likely to continue in the aftermath of the recent Constitutional *Loya Jirga* (December 2003) and through the presidential elections (scheduled for September 2004).

Prior to the Constitutional *Loya Jirga*, the Afghan government was a political battleground between reformists and conservatives, represented respectively by cabinet members who had returned from exile and those affiliated with the local political parties, including the Islamist groups. The Afghan judiciary (including the Judicial Reform and Constitutional commissions) became the frontline of this battleground, wherein each side endeavored to influence the new constitution, the pace of reform, and the application of laws. In this regard, returning members of the cabinet and a wide range of officials who served in the local armed forces were aligned in supporting progressive reforms based on a mixture of secular and Islamic law, while the Islamists and conservative camp demanded that Islamic law be the basis of the constitution and, thus, the law of the land for Afghanistan.

These political camps underwent a transformation during and after the Constitutional *Loya Jirga*, and shifted from conservative and reformists into more ethnically oriented platforms. This postconstitution development has sharply divided the top leadership and cabinet of the Afghan government into Pashtun and non-Pashtun camps, a divide which is spreading throughout the ministerial ranks and further undermining the pace of reform and the enhancement of the rule of the law. The politicization of the constitutional process, in particular regarding the process for amending the constitution, has become the center of legal and political debate among the former delegates to the Constitutional *Loya Jirga.*

The increased politicization of both the judiciary and the constitutional process has complicated and, in a number of areas, undermined the development of an independent justice system capable of serving the people of Afghanistan. According to several judges in Kabul city, the decisions of judges are open to the influence of the political and military leadership independently or via the Supreme Court. Such activities dangerously blur the line between the executive and the judiciary branches of the Afghan government in Kabul and throughout the country.

Compounding the politicization and blurring of the roles of government branches, judicial leaders and staff in the provinces often have affiliations with political factions and powerful military commanders. The influence of these factions and leaders on the courts seriously undermines the independence of the judicial system in these areas. We found that in the rural districts of Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces, the heads of the government districts (*woleswal*) are often linked to military commanders or are commanders themselves and routinely overrule the decisions of the district courts. In some rural districts in Nangarhar and Kandahar, the district leaders do not even allow court officials to hear legal matters; instead, the district authorities settle cases through the local *shuras* or police who are loyal to district officials. In the majority of cases we encountered, the police chief or the *woleswal* were more powerful than the members of the primary courts. This imbalance of relations between the judiciary and the political/military powers in the rural districts places significant risk on the populations' access to justice and ability to seek enforcement of their rights. This imbalance also directly contributes to maintaining systems of injustice and inhibiting meaningful and much needed reform.

Challenges Facing Legal Systems in Urban Centers

The major regional urban centers of Herat, Jalalabad, Kabul, Kandahar, and Mazar-i-Sharif are growing rapidly as thousands of people migrate from rural areas in search of employment, security, shelter, and access to services (such

as schools and hospitals). These cities have attracted large numbers of returning refugees who became urbanized during their time outside of Afghanistan and do not wish to return to the villages. Rural people also moved to the cities during the drought, as they were no longer able to support their families on their land. Increasingly, rural people are also coming to urban areas to visit formal courts.

Disputes over property are the single largest form of litigation currently in the Afghan court system. Presidential Executive Order Number 136 established the Special Property Court to handle all property disputes, particularly those that related to returning refugees and internally displaced persons. However, Supreme Court officials state that, due to limited resources and funds, a property court could only be established in Kabul.[36] As a result, most primary courts are jammed with property-related disputes, which are reportedly more lucrative than family cases. Family cases are also being pushed aside in favor of property disputes in city districts. Interviews with both male and female plaintiffs of the family court in Kabul revealed that their cases were repeatedly postponed or left pending because the main judge was busy with property-related disputes.[37]

A nationwide imbalance exists in the Afghan court system, with the vast amount of court facilities and resources concentrated in Kabul city. For example, there are no courts specializing in property outside of Kabul city. Furthermore, Kabul city has many more city district courts than the other major urban centers. Each of Kabul's sixteen city districts has a district court, whereas Herat, Jalalabad, Kandahar, and Mazar-i-Sharif each have only one city court (based within the provincial court), although their districts have populations similar to those of the Kabul districts. The deputy chief of Herat's provincial court, Judge Aazam Karimi, argues that establishing property, family, and city district primary courts is absolutely necessary for the provinces: "In addition to the existing discrepancy regarding the function of the court between court leadership and the executive authority, trying to manage thousands of complaints that are reaching our courts with very limited resources is extremely difficult."[38]

According to a provincial chief justice in Balkh, his office has proposed the establishment of three additional primary courts in the city, but the Supreme Court did not approve these courts, citing shortage of funds. The chief justice explained that they have the human resources but lack the budget and facility to establish these much needed courts.[39]

There is also a serious imbalance in rural–urban court capacity. Very few district level courts are fully operational. The rapid growth in urban populations means that many cases dealing with rural issues are brought before city courts when rural residents relocate to the cities. In Balkh province, for

example, a number of new migrants have brought cases that originated in rural areas to the city courts. The urban provincial courts cannot send the new urban residents back to the rural district to solve their disputes. The Balkh city court, however, was designed to serve only the population within the boundary of the city. The court is now attempting to use the same resources and structures to serve a dramatically increased population.[40]

Provincial courts also serve as the appellate courts for the rural areas. The provincial courts are responsible for handling cases that were not or could not be heard by the primary courts that are meant to exist at the district level. Many of these primary district courts, however, are severely in need of rehabilitation and capacity-building. Due to the lack of detention centers (especially for women), the provincial courts must also deal with detainees from rural areas who are transferred to the urban detention facilities.[41] Establishing and funding additional courts in the major urban centers would assist the justice system to improve its accountability toward the rural districts and populations. The expansion of the primary court system would also give the rural Afghan population more reliable access to the justice system.

Family Courts, Female Judges, and Female Attorneys

Afghanistan has a parallel court system for family and juvenile courts.[42] These courts were meant to exist in every province, but to date are operational only in Kabul city. The Special Family Court in Kabul is the only court in the country that contains a small number of female judges.[43] Two law associations have been recently created with a number of female judges,[44] and there are some female judges and attorneys in other urban centers such as Herat and Mazar-i-Sharif. A very small number of these female judges and attorneys are currently allowed to serve in judiciary positions to adjudicate family cases on civil matters only. More are hired to serve in clerical duties and push paperwork around, while qualified female judges are working for the NGOs in nonrelated judicial services.

The employment of female judges within the court systems and their engagement in adjudicating litigations, especially in the family courts, is crucial. However, a number of cultural constraints and administrative restrictions continue to limit the role and involvement of women in the current judicial system. Women with legal educations and training often perform administrative duties or hold office positions, and do not hear legal cases.[45] According to a female judge in Kabul, the dominant ultraconservative culture within the judiciary prevents male officials from considering women to be competent judges or able to make sound legal judgments. She explained: "Since being a

judge has leadership aspects, some of the leadership in the justice system, especially in the Supreme Court, believes that women's leadership in an Islamic society is un-Islamic and it shouldn't be allowed."[46] Another women judge who worked outside of the family court in Kabul stated:

> Having women in the family court is a cover-up for the dominant culture that is based on gender prejudice and backward sentiments. It has nothing to do with the genuineness of holy Islam and the justice of God. In addition, it appears that having female judges in the court system, even at family courts, is a concept that has yet to be accepted by some of the males sitting on the Supreme Court.[47]

In interviews with family court judges in Kabul, we learned of inconsistencies in the application of rule of law based on differing definitions of legal provisions. High ranking male judges who derive their decisions from a more restricted interpretation of *Sharia* law often deliver very different rulings than the female judges who combine the constitutional legal provisions with a more moderate interpretation of Islamic law.[48]

According to female judges in Kabul city, greater participation of female judges and attorneys in Afghanistan's courts will help to strengthen the justice system by providing more qualified and trained lawyers to adjudicate legal matters. A greater number of female judicial personnel would also enhance access to justice for women plaintiffs and defendants. The latter rationale is based on the segmented social structure and local cultures, which separate the social and physical space for men and women throughout Afghanistan. This culture of separation is rooted in the local interpretation of gender relations based on religion (i.e., *mahram* and *hijab*) as well as the influence of customary issues (i.e., *nang* and *namus*, which have to do with honor in respect to women's social position). Because of the segmented gender spheres, rural Afghan women are discouraged from talking to or interacting with men who are not their relatives (see Understanding Threats and Attacks to the Human Security of Rural Afghan Women, in chapter 3). These social codes prevent women's direct access to the male-dominated world of the court system. However, because rural woman are able to interact with other women, they might be more inclined to seek access to female judges and lawyers (see The Rights of Women and the Formal and Traditional Justice Systems, in chapter 5).

The Absence of Defense Attorneys

Another key legal dilemma facing the Afghan justice system at both the urban and rural levels is the absence of defense attorneys. A system of legal advocacy or independent defense has never existed within the Afghan judiciary. Under the previous legal system, legal advocates operating outside of the official justice system were available for hire, but were not provided by the courts. These legal advocates have varying levels of training and few were trained to present a client in a court or to act as his or her defense attorney.[49] In an attempt to introduce a system of defense attorneys, a public advocacy office has recently been established at the Supreme Court in Kabul. However, no judges or clients we interviewed were aware of the existence of this office.

We contend that the public advocacy office is presently little more than window dressing within the Afghan justice system, as neither the Supreme Court nor the Ministry of Justice has the space for a public defense mechanism included in their organizational structure or budgetary system. This has caused both the Supreme Court and the Ministry of Justice to shirk their responsibility for the development and maintenance of a public defense system. Yet, there is little doubt that the formation of a functioning public defense system is one of the most important initiatives of judicial reform in today's Afghanistan.

Professor Nassrullah Stankzai of the Kabul Law School believes that courses providing specialized knowledge about legal advocacy and defense should be included in the curriculum for law students. He argues that these additions are urgently needed, and believes that the establishment of a legal defense system may reduce the existing corruption in the justice system and help to expedite the slow process of bringing a case to court. Professor Stankzai states: "The cost for hiring a defense attorney is a fraction of what it costs people as far as their time and the time of the court, especially given all the extortion and bribery."[50]

Recently, several NGOs have started concentrating on training a small number of Afghan attorneys to defend clients, although this training is currently available only at legal clinics within Kabul city.[51]

Some NGOs are specifically training Afghan women defense attorneys to represent female defendants or inmates. These new trainees face formidable challenges in seeking to represent their female clients. Public prosecutors and judges are reluctant to accept legal challenges on behalf of the female defendants, especially in cases where the woman has already been convicted. On one occasion, a public prosecutor rejected the reopening of a case, basing his argument on moral standards rather than on the merits of the case. He accused the female defense attorney of defending "morally bad women." In another case, the court officials yelled at an Afghan female attorney, saying that her desire to represent a female inmate was rooted in "Western influences." Both cases were eventually heard, however, and—due to the legal knowledge of the female defense attorneys—the fe-

male inmates were found not guilty and it was ruled that the court had no grounds on which to hold them.[52]

Challenges Facing Legal Systems in Rural Settings

Challenges regarding the current formal justice systems in rural Afghanistan are formidable. The formal justice system in rural Afghanistan faces two main dilemmas: structural problems and conflicts over jurisdiction. Throughout rural districts in most of Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar, the relations between the executive and the judiciary (i.e., among the positions of the primary court judge(s), prosecutor, police chief, *woleswal*, and government head of district) are extremely chaotic. The separation of responsibilities, duties, and even office space is not clearly delineated. Officials from the executive routinely overrule the decisions or meddle in the affairs of the primary courts. In most case, the primary court judges are not allowed, or are afraid, to rule independently in their cases. We found that most primary court judges and prosecutors were reluctant or afraid to speak openly about their often difficult relations with the heads of the districts or the police chiefs.

For example, in one district in Nangarhar, the primary court judge complained that the chief of the police and the head of the district were taking control of matters that belonged under the court's jurisdiction. The local officials were then resolving these matters personally and outside of the local justice system.[53] In several other rural districts in Nangarhar, police chiefs reportedly detained people on false allegations, forced their families to pay bribes, and then released them without ever referring the case to the primary court. The district authority in one district in Nangarhar had his own private detention center, which he did not allow local court officials to enter. In a rural district of Herat, the office of the prosecutor had detained a murder suspect, but was receiving pressure from the deputy head of the district for the suspect's release. A judge in Herat stated that his life had been threatened by local commanders who were now part of the provincial army because he had agreed to take on several controversial cases. In Balkh, the provincial court had supervision over only a few primary courts—the rest were under the control or influence of the local commanders. In a district in Kandahar, court officials and the district authority were unable to access the detention centers and did not know who was being held captive, as the detention center was under the control of the police who would not allow access to the court officials.[54] Compounding the situation, every primary court in rural Afghanistan we visited—without exception—lacked basic facilities, including equipment, office supplies, and transportation, and faced serious budgetary shortages.

Most judges in primary courts in rural Afghanistan are without judicial or legal training. Like the judges in urban areas, many do not have access to approved legal texts. Rural judges are largely unaware of recent changes to the formal system of justice and many base their understanding of the legal order on basic training courses from before 1970. For instance, we interviewed judges in Nangarhar who were educated in Saudi Arabia, but they had no knowledge of local precedents, Afghan legal issues, or the legal provisions included in the Afghan constitution. At the time of our study, four hundred judges were enrolled in legal clinics that were set up by the Italian-funded IDLO, but only one judge from rural Afghanistan had been recruited into the program and his admission was based upon his previous job at the High Court in Kabul.

The low levels of education and training of judges negatively affects the public image of the official justice systems in the rural areas and likely acts as a disincentive for people who might otherwise access the courts. Poor salaries and the lack of other benefits for judges and primary court staff have contributed to corruption and unlawful behavior, which further decreases the ability of the justice system to provide legal services. Reforming the organizational structure of the formal justice system in rural Afghanistan, improving professional education, and enhancing the living standards and workplace environments for judicial staff in rural Afghanistan are important steps to help provide sustainable and reliable access to justice for the rural population.

Abuse of the Rights of Rural Afghans

Most rural Afghans neither understand their legal rights and obligations nor do they know the laws of Afghanistan. These factors help allow those in positions of power to abuse the rights of rural people. Punishments are arbitrary and not necessarily in line with the law. Our interviews with several dozen inmates in a number of detention centers and jails revealed that most prisoners are held past the legal time limit without being charged. Most inmates claimed to be uncertain of why they were being held, unaware what the evidence was against them, and unsure of the possible outcomes of their cases. For instance, police in a rural district of Nangarhar were unlawfully holding more than a dozen people for minor offenses. We requested to visit the jail, but the deputy police chief arranged to have the prisoners removed from their cells and hidden in another part of the building before we arrived. In another instance, police removed prisoners—covered in blood and unable to walk—from a metal shipping container in an attempt to relocate the detainees before we saw them.

We met more than a dozen individuals who had traveled to Kabul from rural areas to appeal their cases before the High Court.[55] Many of these people explained that they had exhausted their family's resources in the pending case

and had come to Kabul in a final attempt at resolution.[56] In some instances, we witnessed clients pleading with court officials to hear their cases. At other times, people approached us and asked for legal help and assistance in appearing before the court officials.[57]

Insecurity and Rural Justice Systems

Top officials at the Supreme Court stated that there have been major budgetary and planning flaws in the strategy of building the Afghan government. These officials added that problems within the National Development Framework had resulted in a lack of attention to the restoration of the Supreme Court.[58] According to Mr. Manawi, the First Deputy Chief of Justice, the court system is facing serious shortages of trained judges, especially in the provinces. Experienced and skilled judges receive around US $36 (Afs. 2,100) per month with no housing, transportation, or per diem. Mr. Manawi went on to explain: "None of the skilled judges wants to leave Kabul or the center of other provinces to serve in rural districts with this kind of funding. . . . In addition, our judges are not secure from [attack by] armed groups."[59]

Court and government officials who are not aligned with the major local and regional commanders face insecurity and the threat of attack throughout rural Afghanistan. To illustrate, the police and chief prosecutor of a rural district in Kabul told us that they had identified accused murderers and knew where they lived. However, armed men aligned to local commanders have prevented the officials from making the arrests. The police and chief prosecutors stated that they were very concerned for their own physical safety, as well as the safety of their families, and expressed frustration at their inability to enforce the law.[60] In some rural districts of Kandahar, court officials were unwilling to speak with us unless we could take them out of the district to a "safe place" for the interview.[61] In another instance, a district authority in Kandahar spoke of the involvement of numerous government officials in the illegal drug trade:

> When I was the district authority in [rural district in Kandahar] I captured 138 kilos of hashish and brought this to the provincial level. I was given a receipt [produces official receipt with governor's stamp] from the government saying that I turned over this much hashish. Later, I found out that the hashish was resold in the market in Kandahar. I also have this receipt for 52 kilos [produces official receipt with governor's stamp] that I captured using road checkpoints in [rural district]. This time I did not give this to the provincial police since they just sold it last time. Instead, I delivered it to the customs office of Kandahar to try to ensure they did not resell it. Then I received a letter from the new district authority of [another rural district] [produces letter that has the official stamp of said district authority] asking me to release the 52 kilos of hashish to the owners [of the drug] and not to bother them anymore.

This narrative demonstrates the high level involvement of officials in illegal activities and points to the impunity of those in power. Local officials and police who attempt to follow the rule of law are punished, risk attack, or are removed from their positions. The continuation of the story from above illustrates that these problems were not limited to the trafficking of narcotics:

> The reason I am in this district is that I made a mistake in [rural district of Kandahar] when I caught six trucks full of iron being smuggled into Pakistan and I sent them back to the provincial center to the police. The assistant of the governor and the head of customs were very unhappy with this. Shortly thereafter, I was removed from [first district] . . . and sent here to [rural district of Kandahar].[62]

In other rural districts in Nangarhar, court officials are at serious odds with the district authorities. In two rural districts, district authorities have refused to allow certain cases to come before the courts, and have instead sent the cases to the local *shuras* or *Jirgas,* who are supporters of the district official, or to the police who are also loyal to the district authority. One district court official explained: "People mostly use the *Jirga* system here. . . . If the people of the *Jirga* are those who are using justice to make their decisions then the *Jirga* can work. However, for most of the cases, the *Jirgas* are heavily influenced by powerful people.[63]

Prosecutors also face direct threats and intimidation from more powerful district authorities who may have an interest in a particular case, as illustrated by this rural prosecutor from Nangarhar:

> I have a serious problem with the district authority. When I want to use the formal legal system as a prosecutor, the district authority will come to me and warn me not to do that. Sometimes the district authority intervenes in my work; he tells me to stop the official filing of the case and that he will solve the problem through the *Jirga.* Sometimes the district authority discloses my name to the people who have been accused of the crime. The district authority is telling them to kidnap me or kill me if they want to stop me from doing my work. If this situation continues then I am going to strongly consider leaving this job.[64]

THE POLICE OF AFGHANISTAN

Findings:

- Few police officers in rural areas have professional training; most were former militia fighters or militia members who became police officers when their commanders joined the official government or military structure.

- Police operations are characterized by patron-client relationships. Police forces continue to operate largely independently from a centralized command structure under the Ministry of the Interior, and many remain loyal to their former commander or to the commander in the area.
- All of the police in our sample in Balkh, Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces lacked the basic resources needed to conduct their jobs, including transportation, communications equipment, pens and paper, adequate buildings, uniforms, weapon safes, and furniture for police offices.
- All of the police in our sample in Balkh, Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces had experienced delays of four to six months in receiving their salaries from the central government. Rural Afghans attributed, in part, the involvement of police in corruption to the delay in the receipt of their salaries.

The Ministry of Interior is the main body responsible for enforcing laws throughout the country and oversees the national police. As discussed earlier, a central police academy is now training new recruits to be deployed countrywide. The presence of these police forces in outlying provinces helps to establish the reach of the central government. The establishment of a police academy seeking to promote professionalism within the police force is a step toward building law and order in Afghanistan. At present, however, the effects of this reform are negligible outside a few areas of Kabul province.

Afghan Police Linked with Militias and Military Commanders

Police chiefs at the district level often share close ties with the major regional commanders, who themselves serve as heads of army garrisons or major military units. We observed these links between police and commanders in almost every rural district in which we worked in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces. In many cases, police chiefs moved from the head of a militia unit to the police system and brought their militia members with them. The militia members are then reappointed as police officers or police soldiers. For instance, the chief of police in Paghman, Kabul, is a former unit commander under the chief commander of the Central Army division in Kabul. Likewise, the chief of police in Mir Bacha Kot, Kabul, is a former unit commander of the current head of the Army 66th Battalion around Kabul.

Throughout the country, there are few trained and professional officers in leadership positions within the police. Professional training of those at the district level is practically nonexistent. We found that former fighters

Table 11.1. Composition of Police Force and Prevalence of District Police Forces in Uniform, 2003 (in percentages)

	Badghis	*Balkh*	*Herat*	*Kabul*	*Kandahar*	*Nangarhar*
Majority of police force	Former mujahideen	Former mujahideen	Former mujahideen	Former mujahideen	Former mujahideen	Former mujahideen
All police wearing uniform	0	0	0	0	0	0
Police uniform distinct from military	50	0	75	25	0	0
Proper registration of firearms	50	0	75	50	0	0
Secure location of firearms	0	0	0	75	0	0

Note: Based on the analysis of our primary data.

and militia forces with no training as police officers form the majority of police forces at the district and provincial levels in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar (table 11.1). In most cases, the few trained police officers in the system serve as clerks who mainly push paperwork, write minutes of meetings, schedule appointments, and formalize the informal (and sometimes unlawful) activities of the higher ranking officers. For instance, when we asked about the number of current prisoners in one district, the one uniformed officer present stated "zero" and confirmed this by producing the record book. However, during a visit to the jail nearby we found thirteen prisoners in custody.[65] Trained and experienced police officers often approached us to voice their frustration over serving under high ranking officers who lack training and experience. Indeed, the trained police have little power over police operations in most of the provinces and districts. Such situations contribute to growing frustration among professional police officers.

Our study found that the majority of weapons in the hands of police at the district levels in Balkh, Badghis, Herat, Kabul, Kandahar, and Nangarhar are personally owned by the police chief or are the personal weapons of individual police officers and police soldiers.[66] In the majority of cases we studied, there was no official registry of weapons and no secure location to store or issue weapons. In several locations, we saw a number of automatic weapons, rocket-propelled grenades, rockets, and heavy weaponry lying on tables or on the ground outside the police buildings. In some cases, police chiefs have agreements with powerful commanders in the Afghan army to assist in providing

weapons for the military unit if necessary. In return, the police rely on the assistance of the major military commanders in emergencies.

Police uniforms are visually distinct from military uniforms, but only some of the police in our sample were wearing uniforms. In no instance were all on-duty officers in uniform when we arrived at the police station. The majority of police wore casual (street) clothes instead of uniforms, and usually only the chief of police and his top officers were in uniforms. Only one police chief reported having enough uniforms (supplied by the Ministry of Interior) for his officers, although the men present and on duty at the time of the interview were not in these uniforms.

The Ministry of Interior provides salaries (theoretically) and a limited amount of office supplies to the district police forces. Of our sample of police forces in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces, the vast majority lacked enough paper and pencils to record incidents and arrests. No station we visited had standard forms for recording incidents and arrests; all forms were handwritten. On several occasions we found that there were not enough chairs for the team (of two people) and the police to sit during an interview. (The police would then stand for the discussion.) We came across only one woman officer, in Bala Murghab district of Badghis province, and she was in charge of female detainees. Although other district stations expressed the need for women officers, most did not have any plans to recruit women.

We found that 100 percent of police in our sample lacked sufficient transport to enable them to do their jobs. For example, in Paghman, Kabul, the only car available was for the police chief, thus making it very difficult for the police to patrol, respond to requests, or visit the scene of a crime. The Paghman *shura* has mandated that local people with private cars (e.g., those who drive transport routes to Kabul) must provide their car for the nighttime use of the police for a rotating period of three to four months. The police can use this car at night to respond to emergencies. Police try to reach the location in emergency incidents; otherwise, they send a message "asking the person to please come report to us."[67] In Surobi, there is only one car for everyone, including the investigative unit. At the time of our visit, that car had been in the repair shop in Kabul for several months. A murder case was reported two months ago, but the village where the murder occurred is forty kilometers from the district center and the police have not yet been able to visit the scene due to the lack of transport.[68]

One hundred percent of our sample police forces in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar had not received their salaries from the Ministry of Interior on time, with an average delay of four to six months. Rural police salaries are very low and average roughly US $17 (Afs. 800) per month. In Mir Bacha Kot, for example, the police soldiers at the checkpoints have not been paid, and the police chief bought them carpets with his own small salary so they would have something warm to sit on in the check-posts. The police chief said that he feared his men would otherwise have become increasingly unhappy and would feel undervalued, and he worried that this would impact their job performance. In Surobi, police soldiers manning check-posts on the highway to Kabul were without carpets, bedding, or coats for warmth during the winter.[69]

Our research in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces finds that the local police chiefs often operate independently from the Ministry of Interior. They (theoretically) receive a fixed salary from the Ministry of Interior, but largely function under the auspicious of the major military commander in the area. As discussed earlier, many police chiefs are former militia commanders who entered police work when their commanders came under the government system. A government official in Jalalabad stated that having police loyal to one powerful man in the area—even if this man is a commander outside of the police system—is a positive development, as it encourages accountability and makes work more efficient. However, we argue that based on this system, the administrators/commanders often engage in issues through a network of patron-client relations, rather than through the police system, police regulations, and professional structure. For example, a government head of a rural district in Nangarhar complained that his police chief was not following official directives from local officials; rather, he was arresting and releasing people upon the orders of the chief of the police in Jalalabad, to whom he had greater loyalty.[70]

These patron-client relationships make it nearly impossible to enforce justice. To illustrate, a former district authority from Kandahar spoke to us of the problems he faced in trying to establish rule of law within this system of patronage:

> In [a rural district of Kandahar], the head of the police [name withheld] was traveling to the main road and asking for 20,000 Afs. per car for passing on the road. If they would not give the money, then he would take their car. He had power because the rest of the police supported him. Since he was from [rural district] people in the district would cover for him, because he had tribal and friendship support. The regular people were very unhappy and tired of this situation and they would complain to me since I was the district authority there at the time. But I could not stop him because he was powerful and well supported by his tribe.
>
> The same pattern was also occurring when I was the district authority in [another rural district], with a person . . . who was stealing cars and robbing houses. When I caught him, he admitted in front of the *shura* that he stole the cars and

robbed the houses. I sent him to the provincial center to the police. The governor [now the former governor] became involved in his case. After one month the suspect was released and promoted as a commander. Now he has guards and cars and power. Instead of being punished, he was promoted, in part, because he is of the same tribe as the head of the military division of Kandahar.[71]

The police themselves expressed frustration at the poor conditions they work under, the Ministry of Interior's inability to pay them in a reasonable time period, and their lack of training and resources, especially vehicles. In some cases, they also reported feeling under threat from armed forces. In one instance, police forces in Kabul called upon ISAF to assist in disarming local commanders and militias to enable them to carry out their work without interference.

DETENTION CENTERS

Findings:

- Many provinces and districts have no detention centers. District level detention centers visited in Balkh, Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces are in an extremely poor condition and lack basic necessities such as secure structures, sanitation facilities, and beds and blankets for detainees.
- Detainees are sometimes held in shipping containers or in private detention facilities. Some prisoners showed signs of being beaten and others were unable to walk or stand without assistance.
- In the areas visited, there were no detention facilities for women at the district level.

The Ministry of Justice has recently taken over responsibility of jails throughout the country from the Ministry of the Interior. The media reported on this transfer of responsibility and officials in the capital conveyed the change to the heads of provinces and districts. In our interview with the Minister of Justice, Mr. Karimi, he spoke of the high level of cooperation between himself and Mr. Jalali, the Minister of Interior.[72]

However, based on our interviews with police chiefs in rural districts, the transfer of responsibility for the detention centers was not accompanied by an appropriate level of preparation and attention to logistics, administration, or financing. Police were receiving little to no support from the Ministry of Justice for running the detention centers. For example, in Mir Bacha Kot, Kabul, the police rely on the Ministry of Health to provide glasses, water, pots, and other essentials for the detainees. The police chief stressed that this relationship

needed to continue because he had no budget for these services.[73] In other districts, the police chiefs are in debt to shopkeepers for the purchase of fuel, office supplies, and food. In Guzara, Herat, the government head of district asked a local merchant for financial assistance to (temporarily) prevent the collapse of his entire police force due to lack of funds and low salaries.[74]

According to Minister Karimi, eighteen provinces have no detention facilities while nine other provincial detention centers need serious reconstruction. District detention centers are presently still controlled by the police because the Ministry of Justice has no budget, trained officers, or office supplies for maintaining detention centers and inmates. We visited rural detention centers throughout Balkh, Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces that were in extremely poor condition. To illustrate, in Surobi, Kabul, the ceiling of the detention center was collapsing and infested with snakes.[75] In Rodat, Nangarhar, the only light in the detention center came from a crack in the wood above the door frame; the room was infested with rats and mice; the bedding consisted of shreds of fabric on a dirt floor; and chains for the legs and arms of inmates hung from beams on the ceiling.[76] In the detention center in Koshan, Herat, the only light and ventilation came through a door that was often chained shut.[77] In Bala Murghab, Badghis, militias had destroyed the police station and detention center, but inmates were still held in the partially destroyed building (a new detention center was under construction using funds and labor from the community).[78] In a district in Kandahar, the district authority and court officials were not allowed into the detention center, which was privately controlled by the police, and they had no idea who was being held there or why.[79] According to the district authority in this district:

My administrative person plus the prosecutor wanted to visit the detention center, because I told them I needed an update on who is there, who is not there, and so on. But the police did not let them enter. The prosecutor has not visited the detention center for the past four months. Still we have not gotten in there to see what is happening and who is there.[80]

The police did grant us entrance to the detention facility in this district, although the district authority and prosecutor were not allowed to accompany us. We saw children (boys) and several other detainees being held in the detention center. Within this prison, we spoke to an old man who said that his son had been suspected of kidnapping another boy. The police could not catch the boy so they arrested the father instead. The district chief of police said: "Yes, this is our method. If the person who has committed the crime is not present, then we go and arrest their close relatives so that they will turn themselves over to us."[81]

In the majority of our sample, detention centers were located in mud or cement buildings in the remaining cases they were iron shipping containers.[82] Juvenile male offenders were held with adult males due to disregard or lack of knowledge of the laws by police and lack of separate facilities. Half of these centers were crumbling and in very poor condition. In the majority there was only a hole, window, or door to provide light, and in 95 percent of cases sanitation and hygiene facilities were poor. Importantly, these are often the same facilities that the police themselves use, and they also find the conditions hardly bearable. In Surobi, Kabul, for example, sanitation and hygiene facilities were so bad that the police would not take us to inspect them, "They are unseeable and we won't show you, but it is also what we use."[83] One hundred percent of our police sample cited poor facilities, especially sanitation facilities, as a top concern. Half of the sample considered lack of facilities to hold women and children separate from adult males to be a top concern.

In 25 percent of visits to police stations and detention centers, we saw prisoners who had been badly beaten or could not walk on their own. We witnessed a public execution in a rural district in Balkh of a bodyguard who had allegedly killed his commander. There was no trial; the man was caught, dragged into the village center, and killed by armed members of the deceased commander's group. On several occasions we saw detainees performing labor for the police during their detention, such as splitting wood or serving as cooks. A number of detainees came up and spoke to us of being held for long periods of time without charges being officially brought against them and others were being held for the alleged crimes of relatives.

Wardens of jails (where they exist) are now under the control of the Ministry of Justice. These men, however, continue to believe that they are part of the police, and are confused by the lack of clarity regarding their status. These wardens typically have no legal education, no training, and, in many cases, feel that they have been forgotten by the system.

Detention facilities for women were nonexistent in the districts we visited. We met only one woman serving on a district police force. The lack of women officers to handle the arrest, detention, or transport of female detainees places any woman arrested at heightened risk of abuse. According to local officials, female detainees are usually held in a rented room in a private home until they can be transferred to a women's detention center in an urban area. However, in at least one case, women were taken not to the detention center but to the home of a police officer to await trial.[84]

Women are often incarcerated for *zina* crimes, such as "running away from home" (even if this is to escape an abusive husband or violent domestic situation), presumed sex before marriage, or disobeying a family's wishes for marriage partner (see The Rights of Women and the Formal and Traditional Justice Systems).[85] Women inmates pay a triple price for their offences: 1) they endure punishment imposed by court; 2) they are often rejected by their families; and 3) they are at times rejected by their community following their release.

Based on interpretations of the traditional notion of *nang* and *namus*, a woman who is arrested for an offense, sentenced, and convicted is no longer considered a "good and honorable woman." Authorities are also likely to hold this perception of women who are alleged to have committed a crime. These views may serve as justification for abuse or sexual violence perpetrated by local law enforcement officers, who argue that "she is bad anyway."[86] Few families will visit female relatives in prison due to the shame and stigma attached to women (and their families) who are accused of breaking the law or of straying from their expected roles.

In many cases, families (usually fathers or husbands) play a direct role in the conviction and incarceration of the woman for going against the family's will or violating *zina* crimes (see The Rights of Women and the Formal and Traditional Justice Systems).[87] Female detainees are likely to lose custodial rights to their children. In many cases, families do not allow released inmates to return home; sometimes women inmates prefer to stay in jail because they have no place to go and fear violence upon leaving.[88] In addition, single women are extremely unlikely to be able to find a husband once they are released from jail as a result of the social stigma.

NOTES

1. Amnesty International, *Afghanistan: Re-establishing the Rule of Law* (London: Amnesty International, August 2003), 5. Afghanistan also has a separate system of specialized courts, which includes the Family Court and the Juvenile Court.

2. These norms including all international legal provisions that were ratified by Afghanistan are as follows: The Genocide Convention of 1948 (acceded 1956), the Geneva Convention of 1949, the Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 1968 (acceded 1983), the Convention on the Elimination of All Forms of Discrimination Against Women of 1979 (acceded 1980), the International Covenant on Civil and Political Rights of 1966 (acceded 1983), the Convention on Elimination of All Forms of Racial Discrimination of 1966 (acceded 1983), the Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment Rights of the Child of 1989 (ratified 1994).

3. Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (hereafter, "the Bonn Agreement"), II, 1, ii.

4. Interview, Minister of Justice, December 13, 2003. The 1964 and 1976 criminal and civil codes are the same.

5. Final Statement, Conference of Rome on Justice in Afghanistan (December 19–20, 2002), 2.

6. Laurel Miller and Robert Perito, *Establishing the Rule of Law in Afghanistan,* Draft (Washington, DC: United States Institute of Peace, 2003), 12. See also International Crisis Group, *Afghanistan: Judicial Reform and Transitional Justice,* Asia Report #45 (Kabul/Brussels: ICG, January 2003).

7. Miller and Perito, *Establishing the Rule of Law,* Draft, 14.

8. Amnesty International, *Re-establishing the Rule of Law,* 10.

9. Amnesty International, *Re-establishing the Rule of Law,* 10.

10. Interview, Anonymous, Kabul, December 2003.

11. Interview, primary district court judges, Mohmand Dara, Nangarhar, November 2003.

12. None of the primary courts that we visited in the winter months were properly heated. No court had any means of transportation or communication. We found similar conditions in the High Court in Kabul, where offices were without heat or telephones. In Herat, the local government provided a minibus for transporting the officials from the two districts that were within a close distance to the city, but the officials have to pay for fuel and any necessary repairs of the vehicle.

13. "Decree of the Presidency of the Interim Administration of Afghanistan on the Establishment of an Afghan Independent Human Rights Commission," June 2002, Annex One, Article 9.

14. Interviews, the Afghan Human Rights Commissioners and regional/provincial directors in Kabul, Nangarhar, Herat, and Balkh, October–December 2003.

15. Field interviews, October–December 2003. UNAMA and the AIHRC in Mazar have formed a regional forum comprising representatives from all armed factions, as well as the regional PRT, AIHRC, and some government local officials to coordinate security programs, prevent armed conflict between factions, and encourage dialogue.

16. Ibid.

17. Interviews, judges and prosecutors, Kabul, October–December 2003.

18. Interviews, senior judges, Kabul, November 2003.

19. Defense attorneys are largely unknown in Afghanistan and defendants are almost never represented in court, even in criminal proceedings.

20. Denis Gallagher, personal communication, February 2004. Gallagher is chief of party of Afghanistan Governance and Law Reform coordinated by Management System International (MSI) and funded by the USAID.

21. Miller and Perito, *Establishing the Rule of Law,* Draft, 15.

22. International Crisis Group (ICG), *Afghanistan: Judicial Reform and Transitional Justice,* Asia Report #45 (Kabul/Brussels: ICG, January 2003), 7.

23. Interview, primary court judges, Surkhroud, Nangarhar, November 13, 2003.

24. Interview, provincial court judges, Jalalabad, November 12, 2003.

25. Interview, provincial court judges, Herat, November 28, 2003.

26. See also, Amnesty International, *Re-establishing the Rule of Law,* 5.

27. Observations, Kabul, October–December 2003.

28. Ibid.

29. Anonymous interview, Kabul, October 2003.

30. Anonymous interview and Tufts team observation, Char Bolak, Balkh, December 2003.

31. The scandal involved the forced expropriation of land from poor families in an upscale district of Kabul in September 2003. The plots were then given to cabinet ministers and military commanders. The United Nations and President Karzai intervened and two commanders were arrested and the chief of police in Kabul lost his job. Karzai has since set up an independent commission to investigate the allegations.

32. Interviews with a dozen plaintiffs in Kabul, October–December 2003.

33. Interviews with plaintiffs in Kabul, October–December 2003.

34. In an interview, Puhand Azizi, the dean of the *Sharia* School, tried to convince our team that his school is the true law school, and that it is more important than the Law School at Kabul University. When asked for an explanation, he said he based his statement on the fact that Afghanistan is a Muslim country, and that all judicial personnel should be trained in *Sharia* law.

35. International Crisis Group, *Judicial Reform,* 9–10.

36. Interviews with the head and judges of the Special Property Court in Kabul city, November 2003.

37. Anonymous interviews with clients of the High Court in Kabul, November 2003.

38. Interview, Judge Aazam Karimi, Herat, November 2003.

39. Interview, Judge Abdul Manan Mawlvizada, Balkh, December 2003.

40. Interview, Judge Abdul Manan Mawlvizada, Balkh, December 2003.

41. Anonymous interviews, officials at the provincial courts in Herat and Mazar-i-Sharif, November–December 2003.

42. The specialized parallel system is also meant to include commercial courts and security courts, but these have yet to be established in Afghanistan.

43. According to the cultural norms and gender relations in Afghanistan, family relations are considered highly private issues. It is hard—even impossible—for a married woman to discuss the details of her marriage in front of a male judge. Women judges, however, are considered to belong to the female social space, and women are able to be more open in front of female judges or prosecutors.

44. Interview, former Judge Marzia Bassel, UNICEF's Juvenilia Protection Program, November 2, 2003.

45. Amnesty International, *Re-establishing the Rule of Law,* section 5.3.

46. Anonymous interview, former female judge working now for the UN, Kabul, October–December 2003.

47. Anonymous interview, female judge, Kabul, October–November 2003.

48. Ibid.

49. N. Nojumi and C. Jones-Pauly, "Balancing Relations between Society and State: Legal Steps toward National Reconciliation and Reconstruction of Afghanistan," Draft, Harvard Law School's Islamic Legal Studies Program, October 2003.

50. Interview, Professor Stankzai, director of the Civil Law Department at the Kabul Law School, November 2003.

51. Interview, Dr. Anu Borrey, legal project manager, Medica Mondiale, Kabul, November 9, 2003.
52. Interview, Dr. Anu Borrey, November 9, 2003.
53. Anonymous interview, Nangarhar, November 2003.
54. No interview citations are given to protect informants.
55. Anonymous interviews, clients and court officials at Kabul High Court, October–December 2003.
56. Anonymous interviews, clients and court officials at Kabul High Court, October–December 2003.
57. Anonymous interviews, clients and court officials at Kabul High Court, October–December 2003.
58. Anonymous interviews, officials at the Supreme Court, Kabul, November–December 2003.
59. Interview, Manawi, deputy chief of justice, Kabul, December 2003.
60. Anonymous interview, chief prosecutor, Kabul, November 2003; Anonymous interview, Head of Investigations Unit, Kabul province, November 2003.
61. Because we could not guarantee the safety of the respondents these interviews were not conducted.
62. Anonymous interview, District Authority, Kandahar, December 2003.
63. Anonymous interview, district court official, Nangarhar, December 2003.
64. Anonymous interview, district prosecutor, Nangarhar, December 2003.
65. Observations, Nangarhar, November 2003.
66. Interviews and observations, Kabul, Nangarhar, Herat, Kandahar, Badghis, and Balkh, August–December 2003. Militia members transferring to police service were often allowed to bring their personal weapons or weapons caches with them.
67. Interview, police officers, Paghman, Kabul, November 2003.
68. Interview, Head of Investigations, Kabul, November 5, 2003.
69. Interview, police officers, Mir Bacha Kot, Kabul, November 2003.
70. Anonymous interview, Nangarhar, November 2003.
71. Anonymous interview, Kandahar, December 2003.
72. According to an anonymous high ranking official of the Supreme Court in Kabul, during shifting responsibilities of jails, some 114 hardcore criminals were able to escape. Anonymous interview, Afghanistan Supreme Court, Kabul city, December 13, 2003.
73. Interview, police chief, Mir Bacha Kot, Kabul, October–December 2003.
74. Anonymous interview, District Authority, Herat, November 2003.
75. Observation, Surobi, Kabul, November 5, 2003.
76. Observations, Rodat, Nangarhar, November 25, 2003.
77. Observations, Koshan, Herat, November 13, 2003.
78. Observations, Bala Murghab, Badghis, November 19, 2003.
79. Human rights groups report that there are numerous private detention centers in Afghanistan.
80. Anonymous interview, District Authority, Kandahar, December 11, 2003.
81. Anonymous interview, 60-year-old detainee, Kandahar, December 11, 2003; Anonymous interview, chief of police, Kandahar, December 11, 2003.

82. As mentioned earlier, there were no women's detention centers in the rural districts within our study sites.
83. Interview, Head of Investigation Unit, Surobi, Kabul, November 5, 2003.
84. Interview, chief of police, Bala Murghab, Badghis, November 19, 2003.
85. See, *inter alia,* Amnesty International, *Justice Denied to Women;* Amnesty International, *Re-establishing the Rule of Law*; Human Rights Watch, *Women in Post-Taliban Afghanistan;* International Crisis Group, *Women and Reconstruction.*
86. Amnesty International, *Justice Denied to Women*, 22.
87. Amnesty International, *Justice Denied to Women*, 32.
88. Amnesty International, *Justice Denied to Women,* 39; Reitman, "20 Female Afghan Prisoners Go Free"; Waldman, "The 15 Women Awaiting Justice."

Figure 12.1. Members of a Pashtun *Jirga* discussing local grievances, Mohmand Dara district, Nangarhar. Photo by Barialai Hakimi.

12

Traditional and Customary Systems of Justice

Findings:

- Political armed groups, commanders, and militias have strategically targeted traditional and customary justice systems in some parts of rural Afghanistan in attempt to exert control over local populations. In many instances, these predatory forces have successfully positioned their loyalists within these groups, thus undermining this avenue of justice for rural Afghans.
- In regions where political armed groups are able to exert control over the district authorities they often also have their members on the district *shura,* thus ensuring greater control of the district.
- The current district *shura* system operating in much of the country is based on a framework that was put in place by the Taliban, which sought to replace the more democratic (though only for adult males) *Jirga* systems. With the Taliban now gone, some communities are restructuring their district *shuras*. The *Jirga* in particular is reemerging and taking its space within the Afghan society.
- In other areas, particularly among the tribal groups, rural Afghans are replacing the district *shura* system with the more democratic (for adult males) *Jirga* system. This is, in part, an attempt to limit the influence of the political armed groups and warlords.
- Rural women are largely denied a direct voice in any *shura* or *Jirga* system, and thus are also denied justice within traditional or customary systems.

TRADITIONAL SOCIAL INSTITUTIONS IN RURAL AFGHANISTAN

In Afghanistan, tribal and nontribal traditional social institutions have been deeply affected by continuous regime change, political violence, mass migration and displacement, great loss of life, and the destruction of infrastructure, land, and the national economy. Today, Afghan societies are segmented social organizations wherein tribes and nontribal communities govern their affairs—often autonomously via traditional or community-based systems of justice—without the direct interference (or engagement) of the central government or the formal justice system.[1]

Approximately 80 percent of the Afghan population lives in rural areas, with a significant *kuchi* (nomad) population in the southern, southeastern, and northern regions of the country.[2] The social structure of Afghan society is predominantly divided between tribal groups and detribalized or nontribal communities, each with their own set of local customs, while also sharing popular traditions.[3] However, the political violence experienced at numerous levels over the past thirty years has resulted in the transformation of many Afghan cultures and societies into more militarized social orders, in which the threat or use of violent force has become the means for personal, familial, and community self-defense and gain. These developments affect people's personal attitudes and group behavior toward the state and society, and result in crises in the social, cultural, and political institutions among tribal and nontribal communities.

THE ROLES AND POLITICAL MANIPULATIONS OF *JIRGAS* (COUNCILS)

The Afghan Tribal Belt

In the past, the Afghan tribal groups, like Ahmedzai, Waziri, Mohmand, Mangal, Khogiani, and Shinwari, followed a traditional social system upon which they strove to gain greater autonomy from the outside world; notably, this autonomy included the desire to avoid the jurisdiction of the central government.[4] In the past and today, individual members within the tribal groups have used their tribal membership as a source of local identity and a means of security. The majority of marriages take place within the boundaries of a tribe, with the exception of the practice of *Bad,* which mandates that the perpetrator give a young women to the victim's family in order to stop retribution, or *Badal*—the exchange of girls or women between tribes in order to solve a serious dispute (see *Badal* and the Exchange of Girls and Women in

chapter 6).[5] Tribal groups often use the *Jirga* forums to strengthen or form alliances among themselves over a common predicament, such as resisting the interference of the central government or warding off outsiders. Until the 1970s, the Pashtun tribal groups in the southern and eastern regions of Afghanistan, in particular, were largely successful in avoiding conscription into the state military. They also were relatively successful in blocking the central government's interference in their local affairs. Instead, they held their own security and managed their tribal affairs through a flexible system of tribal *Jirga* with the use of customary commandments that were rooted in their local perspectives of law.[6]

The local *Jirga* served as the forum for community social and political organization, where the adult male members of a village or tribe discussed issues of their interests, helped needy neighbors, and supported solidarity via *hashar* (voluntary collective work), such as building a bridge, cleaning a canal, harvesting, or building houses for other villagers. *Loya Jirga* (National Grand Assembly) has been a political forum for hundreds of years. Comprising local male delegates from all over the land, it has been used for providing legitimacy to the political authority and making vital national decisions. Since the establishment of the first Afghanistan Republic (1973), women's participation in the *Loya Jirga* became a norm of national politics. The post-Taliban Constitutional *Loya Jirga* brought greater participation to the Afghan women who were able to voice their opinions over contentious political and legal issues, including women rights.[7]

Jirgas were primarily used to voice concerns of community members, make decisions for the community, and handle local and familial disputes.[8] Historically, *Jirgas* were not held under any predetermined schedule, nor did they have a fixed organizational structure or membership. Instead, *Jirga* members were selected by various parties and the council was formed when needed, thus making a *Jirga* more of a community process than a standing local organization. In addition, the methods used to form a *Jirga* and the laws that apply differ throughout the country. For instance, while the Pashtun *Jirga* has similarities with the non-Pashtun *shura*, its methods are based on standardize codes of *Pashtunwali* (Pashtun customary law) while the non-Pashtun *Jirga* codes were fixed between the locally accepted norms and some general principle of Islamic jurisprudence. At the local level and throughout Afghanistan, including major urban centers, *Jirga* or *shura* processes are the most popular forum for settling disputes among and between families and communities.

All parties involved in a dispute that came before the *Jirga* were obligated to accept and follow whatever decision came out of the *Jirga.*[9] In certain areas (mostly among the tribal groups), the *Jirga* was capable of imposing

sanctions and using tribal forces to enforce its decisions if necessary. In other areas, those who did not agree with final decisions could ignore the decision and hope that no further action would be taken, could bring the case to the government, or could leave the village.[10] The absence of formal justice systems in the rural areas during much of the twenty-three years of war led people to rely increasingly upon the traditional fora of *Jirgas* or *shuras* to solve disputes, settle grievances, and find remedies for local issues.

In the 1980s, the Afghan tribal belt, held mostly by Pashtuns, became a highly sensitive political location in the war between the pro-Soviet regime and the mujahideen forces. As a result, massive military buildup took place within the tribal areas on both sides of the Afghanistan–Pakistan border. Militarization of these areas radically changed the nature of the local economy, social organizations, and local customs. Tribal groups and their social, political, and cultural institutions were influenced by the rise of military commanders, an increasingly war-based economy, and Islamic militant ideology.[11]

The relative independence of the process of *Jirga* was increasingly undermined in this period by the military commanders and armed political groups who sought to manage populations through control of the *Jirgas*. Additionally, the practice of customary law was overwhelmed by numerous different interpretations of *Sharia* law and Islamic militant ideologies that were espoused by a new generation of clerics trained in Pakistan. These trends accelerated during the Taliban regime with the increased participation in the religious schools (*madrasas*) in Pakistan of large numbers of young Afghans from the tribal areas under the influence of ultraconservative clerics or Islamic militant leaders. Upon coming to power, the Taliban sought to control the *Jirgas* directly and, as a result, they attempted to install their affiliated local clerics in local *Jirgas* within the tribal belt, while following similar methods among the nontribal communities. This process has caused the *Jirga* system to increasingly lose its political independence.

Taliban leaders attempted to use the local institution of *Jirga* as an arena to raise political support for their cause. The Taliban banned all customary law and attempted to enforce their version of *Sharia*. They interfered with the traditional way of forming village *Jirgas*, whereby all adult male members of a community had previously been able to freely express their opinion and participate in electing delegates to the *Jirga*. The Taliban regime changed the Pashtu word *Jirga* into the Arabic version *shura* (council), and appointed the village Mullah as the head of the *shura*. The village Mullahs became government employees and were paid salaries by the Ministry of Pilgrimage and Endowment (*Wazarat-e-Haj wa Awqaf*). The local Mullah was authorized to select four to five adult male members of the village to work under him, who together formed the village *shura*. Each village *shura* elected one adult male to the district level *shura*. In most cases, the majority of members of the district *shura* were local Mullahs, who also held membership in the *shura-e-ulama* (council of clergies) at the district level.

Currently, the word *shura* is used to describe local governing institutions throughout all of Afghanistan. The Taliban-introduced dual system (village and district level) has expanded to the provincial levels where selected/elected members from each district *shura* form the provincial *shura*, similar to what was introduced during Burhanuddin Rabbani's government (1992–1996). Today, this *shura* structure is retained by the district and provincial authorities in most parts of the country as well as the tribal belt (see discussion below). *Jirgas* are being reestablished in some of the tribal areas with a structure similar to that of the past, which was based on customary law and local understanding of the Islamic faith rather than centralization of one specific interpretation of *Sharia* imposed by the state.

Armed political groups are not the only ones engaging with *Jirgas* and *shuras*. During the 1990s, some NGOs and the UN supported, to a certain extent, the formation of these local fora in urban centers and some rural areas. For example, community development programs sponsored by UN Habitat resulted in the establishment of a number of these local fora in Balkh province during the 1990s. This process was challenged by the local power holders and armed groups who began to manipulate this process or build councils loyal to their cause.[12]

In the early 1990s, the UN Office for Project Services (UNOPS) began to support the formation of women's councils in Badakhshan, a province known for traditionally having greater gender equality and freedom of movement for women than the rest of Afghanistan. The program to create women's councils was welcomed by significant numbers of women and community activists. A local woman activist describes the development of the initiative for women's councils in an interview with the UNDP's Strategic Monitoring Unit:

> Since five years there has been a women's organization established, it is not a political organization but a society, but no one has stopped us. Faizabad has 60 parts and in each we have one representative, chosen from a meeting of women. Her role is to sort problems. . . . And we have women's council in six city districts. We invited 100 percent of all of the women in the districts to take part in the election [in 1997] and this was how the council was set up. During the meeting we discussed the objectives of the council and the candidates; we gave a biography and activities of these candidates. In district two there are 13 mosques and 13 neighborhoods, and they each sent their representatives to participate—13 representatives. . . . I personally have traveled to 21 villages and we have established councils, and the village welcomes it. Traveling is no problem in Badakhshan, even they [the authorities] co-operate with us.[13]

The UN Habitat and UNOPS programs set up in Balkh and Badakhshan in the early 1990s are notable. Of particular note, some of these initiatives nurtured democratic participation of the local communities at the grassroots level that countered the rigid and militaristic domination of the Islamist groups. These grassroots initiatives and their sustainability, therefore, offer an important example of what might be achieved, as well as the likely challenges one could expect to face from armed groups, through international and local efforts to build a more sustainable peace.

The presence of female *shuras* to the degree that existed in Badakhshan has not been confirmed in any other part of Afghanistan. Today, throughout Afghanistan, women do not participate in the male-dominated *shuras* and *Jirgas*. However, the success of the women's *shuras* and their partnership with international agencies in Badakhshan during the 1990s is an important case study that may have lessons for the development of civil society and women's *shuras* in other parts of Afghanistan.

The Long Road to Rebuilding Traditional Tribal Institutions: Rebuilding *Jirgas*

Our research indicates that a number of the tribal communities are moving toward reestablishing their tribal organizations based on direct participation of local leaders and the rule of customary law. For instance, the Mohmand tribe in Nangarhar has increased participation from the male members of the local community for the *Jirga,* and the local district authority has not interfered with the *Jirga's* handling of legal cases.[14] However, a shortage of local resources due to the legacy of militancy, warfare, drought, and the existence of ideological political groups means that some communities are having a slow and difficult time remobilizing their tribal organizations, especially the institution of *Jirga*. Currently, the reestablishment of tribal systems is occurring at different rates and in different forms in the different regions of the country, as illustrated below.

Tribal groups in the north, particularly the *kuchi*, have suffered a series of disastrous social, political, and economic developments. Continuing hardship and displacement have made it nearly impossible for these groups to reestablish traditional systems of governance. In the past, tribal organizations and local conflict management forums have helped the *kuchi* to establish their leadership in order to represent them to the central authority, as well as offer remedies at the time of internal and external conflicts and hardships. In the late 1990s, Taliban leaders mobilized the Pashtun *kuchis* to help the Taliban accomplish their military and political objectives of defeating their (mostly) non-Pashtun armed rivals. However, the fall of the Taliban in 2001 resulted in

costly political consequences for the *kuchi*.[15] The politically motivated ethnic tensions that arose in the north affected the lives of Pashtun *kuchi* communities, and many fled or were driven from their homes and became internally displaced within Afghanistan.[16] Years of severe drought also caused *kuchi* populations to lose most of the livestock herds that underpin their livelihoods (see Livestock, in chapter 8). Some *kuchi* groups reached such levels of desperation that they sold their tents (their only form of shelter) in order to pay for travel to refugee or internal displacement camps.[17]

The government's Ministry of Tribal Affairs was formed to handle matters relating to the tribes and to assist these communities. UNHCR is the lead UN agency working to assist the return of tribal populations—as internally displaced persons or refugees—to their places of origin.[18] In areas with ethnically diverse populations, especially the north, several Afghan ministries are working with UNHCR and UNAMA to attempt to convince the local commanders to cooperate with population returns. This is being done through the mechanism of the Return Commission, which was established to promote the voluntary and safe return of Afghans to the northern provinces.[19] In the absence of legal systems to resolve the property disputes that lie at the heart of the dispossession of the Pashtuns, the commission has made limited progress by touring the country to facilitate discussions about the conditions in the north and possible problems faced by local communities.[20]

Nevertheless, due to the highly militarized environment in the north and the level of violence against members of the Pashtun tribal groups in the region, most of the internally displaced persons are afraid to return.[21] In other cases, the displaced lack the financial means to return and the resources to rebuild their destroyed or damaged homes or to prepare their lands for farming.[22] The poor economic conditions have negatively affected people's ability to reestablish social institutions and improve their living conditions. As a result, they remain largely dependent on foreign assistance while living in the internally displaced persons and refugee camps. Since the local institutions are too weak to overcome the power of the local warlords, the Afghan internally displaced populations and refugees that want to go back to their places of origin have high expectations regarding the central government's interventions to ensure their safe return. The current lack of effective intervention and continued security threats, however, lead the displaced to doubt the credibility of the current government in Kabul.[23]

For the most part, tribal groups in the southern part of the country have been unable to demobilize their communities and reinstate the institution of *Jirga* in its more representative state with limited control and influence by outsiders, such as powerful commanders and armed political groups. This inability to demobilize the male population has been made more difficult due

to the tension in communities caused by the resurgence and recent expansions of the Taliban forces in the region. The tribal groups living on the southern border with Pakistan continue to be influenced by the militant groups in the area that are opposed to both the central government and Coalition presence. The militarized atmosphere in the border area has caused increased insecurity for the tribal groups and at the same time the militant groups have depleted local resources. This insecurity and associated developments have hampered the ability of the Afghan tribes to reestablish their traditional institutions and effectively manage their affairs. As a result, the border tribal groups are uprooted, and are now spread between Afghanistan, Pakistan, and in safer zones near to urban centers.[24]

Additionally, the southern region of Afghanistan continues to be seriously affected by drought. The humanitarian impact of the continued drought has been exacerbated by the recent withdrawal or cessation of UN and NGO programs in the region, which has been declared a High Risk Zone. As a result, local communities have lost their access to badly needed relief supplies and other humanitarian assistance.

There are more positive developments in the east and southeast which suggest that traditional forms of conflict management and community stabilization such as the *Jirga* are being reestablished. In the eastern region, and particularly Nangarhar, tribal groups such as the Mohmands, Shinwar, and Khogianis are reestablishing their tribal *Jirgas*. Increasingly, even the government district officials in these areas refer legal disputes to the local *Jirga*. According to a *malik* who represents six villages in the district *Jirga*, people are tired of war and factional fighting and are struggling to have a peaceful life.[25] The activity of multiple armed groups continues, but, as explained by local Nangarhar residents, "with the establishment of TISA in Kabul the domination of the previous political parties [based in Pakistan] over the local affairs has been reduced."[26] Refugees have been able to return to the area, people are engaged in farming, and neighborhoods and villages are being reinvigorated. People are gathering in the local mosque for Friday prayer; they meet without weapons in a peaceful environment and engage in discussions about distributing water, cleaning irrigation ditches, and forming neighborhood security watch systems. Such developments give people hope and the ability to begin to reestablish local institutions and move toward greater self-reliance outside of the control of the various armed political groups and commanders.

Tribal groups in the southeast provinces such as in Paktia are moving more rapidly than elsewhere in the country to rebuild their damaged local institutions.[27] Educated community members offered two reasons for the accelerated revitalization of the traditional institutions, in particular the *Jirga*. First, the local communities do not want to lose more of their men to factional fighting

or risk the continued destruction of their lands, homes, and communities. The community leaders are therefore pushing for the institution of *Jirga* as a superior form for making decisions, managing conflict, and maintaining group identity over those forms offered by local armed groups. Indeed, community leaders are seeking to bring the local commanders under the scrutiny of the *Jirga* as a means of reducing factional fighting and violence. Second, local leaders are moving to reestablish their traditional mechanisms for addressing conflict and seeking justice because they are suspicious of the presence of Coalition and the Afghan National Army forces and the expansion of a central Afghan government, with its reestablishment of formal courts, training of judges and prosecutors, and deployment of newly trained police forces. As the residents explained, this local reaction does not mean that people are planning to fight against the central government, but it does reveal that they are cautious about these political developments.[28]

The Border Tribes

In recent history, tribal communities, especially those along Afghanistan borders, have relied extensively on their local institutions to manage their internal affairs and balance their relations with the central government in Kabul. The system of tribal leadership included a network of delegates who liaised with the central government, while the tribal leaders received a degree of autonomy over their tribal areas. Internally, members of a tribe enjoyed individual rights and protection within the framework of the tribe. The autonomy of the tribe was protected in part by avoiding external disruptions. The central government was willing to recognize the limited tribal autonomy as long as the tribal powers did not jeopardize the integrity of the state. In return, the central government provided material benefits through the tribal leadership system to those who cooperated and held to their agreements with the state.

In this manner, border security was deeply rooted in maintaining the stability of the tribal groups who live in the vast regions that have always been beyond the control of any central government in the region. Currently, higher levels of border insecurity, especially between Afghanistan and Pakistan, prevent the tribal groups from crossing the borders easily, a migratory pattern that is often necessary to access fresh grazing land. The Afghan *kuchi* have been pushed out of many other parts of the country and now conglomerate in the border areas, and this population is now facing increased threats to the livelihoods that they have maintained for centuries. Assisting the tribal communities along the border to regain their social institutions and move toward greater self-reliance will help them to reorganize their livelihoods and could potentially improve border security. In our interview with Darya Khan,

a member of the Mohmand tribal *Jirga*, he was critical of what he termed NGOs' "empty promises" of assistance. He suggested that "the only way to get back to normal is reliance on our own people to reestablish their local organizations and restore peace and security in our land."[29]

Nontribal Communities and Changes in Traditional and Community-Based Justice Systems

The nontribal communities in the urban centers and surrounding towns and villages were also affected by war, drought, internal and external migration, and the devastation of the country's economy and agricultural systems. While rural areas continuously served as the frontlines between the Soviets and the mujahideen forces, urban centers, especially Kabul, bore the brunt of the devastation of the war.

In the past, large nontribal communities resided in the major urban centers where people had a fair amount of direct contact with the rules and regulations of the central government. This contact became weaker farther away from the urban centers, and the influence of government regulations was imperceptible in the Afghan tribal belt. The relations between urban centers and rural areas occurred at two levels: from the capital to the provinces and from the provincial centers to the districts. Economically, the urban centers were heavily dependent on the largely agricultural production of the rural communities. In turn, the urban centers provided the rural populations with hubs for trade, commerce, and modern services, and served as meeting points with provincial and central authorities.[30] Some rural people brought their legal cases before the official court system, conveyed complaints to the police, registered for conscription, sent their children to government-run schools and institutions, and used state-administered health centers in the major urban centers. However, the majority of people used nongovernmental, local networks for handling their daily affairs.

The use of nongovernment, local networks becomes more pronounced as one moves from the urban centers to the rural peripheries, and this reliance is even more pronounced in the tribal areas. The local networks were based on local traditional practices rooted in each community and upon which people established relations, signed contracts, and formed social organizations. In most cases, the popular law of the land was customary law that was deeply rooted in historical traditions, local understandings of Islam and *Sharia*, and the spiritual role of the Sufi leaders.[31] Again, the social and political forum of social organization was the practice of local *Jirga*.[32]

In the rural nontribal areas, trade, financial contracts, marriages, conflict management, and cases involving disputes over land and water occurred

beyond the domain of the institutions of the central government. A powerful class of leaders within local communities acted as mediators between the central authority and local communities. Often, these leaders were selected based on years of service to their community and extended that role to the space where the central state, local governance institutions, and society intersected. Such influential community leaders also existed in the urban centers and governors and other high ranking officials would at times seek the assistance of these community leaders to help secure support for a specific government-initiated policy or to solve a dispute.[33]

The emergence of armed political groups with open access to international financial resources and the existence of powerful warlords significantly realigned local systems of governance. In the 1960s, social composition of a village consisted of the *malik* (landlord), *arbab* (head of the village), and different wealth groups (large and middle landowners, small landowners, and landless peasants).[34] Beginning in the 1970s, however, the population of a village began to divide into two groups: the rich and powerful and the rest of community who are relatively powerless and poor. The ranks of the rich and powerful have increasingly been filled with members of armed political groups (known as *jihadi*) and the local warlords. Many connected to the Afghan mujahideen political groups in Pakistan and Iran that had accumulated extensive external financial resources for the maintenance of their fighters. These more recent additions to the wealth groups have access to weapons and, through the use or threat of violence, are able to manipulate the weakness of the central government, capitalize on the absence of law and order, and maintain extensive influence over the distribution of local resources, including international relief. In addition, the majority of lucrative poppy farms are either owned or controlled by these rich and powerful commanders.[35] In some cases, members of this powerful class collect up to a 20 percent tax from the growers of all agricultural goods, including poppy.[36] They may also run businesses through vast family networks. Many have been able to establish substantial investments in trade and local industries in neighboring countries and Persian Gulf states.[37]

At the same time, the shortage of domestic agricultural production due to scarcity of water for irrigation and the lack of rural reconstruction projects after thirty years of war resulted in the increased dependence of local communities on external resources, such as relief and cash. Scarcity of local resources makes local communities more vulnerable to the power of commanders and political armed groups.

As a result of this vulnerability, nontribal Afghan communities are finding it increasingly difficult to rebuild and maintain their social safety networks. One of the key safety networks that most have been unable

to reclaim and rebuild are the village *Jirgas*, which countrywide have retained much of the structural characteristics of the Taliban-introduced *shuras* and are under the influence of commanders and armed political groups.[38] In addition, the central authority's failure to protect rural populations has contributed to the difficulties faced by local communities in taking control back from these predatory groups and rebuilding their societal institutions.[39] For instance, in a rural district of Balkh, a local police chief explained that while local commanders take on the role of solving disputes and managing conflicts, they themselves are the source of many of the problems in the area and have impunity to act as they wish. Such systems do little to improve rule of law, increase communities' access to justice, or build a sustainable peace.[40]

Like their tribal counterparts, nontribal rural populations faced a similar pattern of political takeover of their social institutions by commanders, the Taliban, and now commanders and *jihadi* groups. Unlike their tribal counterparts, the nontribal rural communities have largely remained with the less democratic structure of the *shura*.

Currently, there are several different patterns apparent in local *shuras* around the country. First, in nearly all cases, the institution of *shura* is strongly influenced by the powerful warlords and *jihadi* groups, as well as the local authorities at the village, district, and provincial levels. We repeatedly saw this pattern, regardless of the *shuras* local, tribal, nontribal, or regional orientation. For instance, in the Surkhrod District, Nangarhar, two powerful local commanders each have one representative in the district *shura* who represent no villages but whose votes carry equal weight as those members of the *shura* that are elected by local residents.[41]

A second pattern that was observed in the rural districts of Balkh, Kabul, and Nangarhar is the lessening of the power of the village Mullah within the *shura,* largely because people are suspicious of the political affiliations of the Mullahs. While the village Mullah may or not become a member of the *shura*, if he is involved he is usually no longer the *shura* leader.[42]

The third pattern involves the selection and political alignment of the *malik* or representative of the village. Members of the village *shura* elect one person and introduce him to the district authority. The district head then signs legal documents appointing the person as *malik* and sends those documents to the primary district court. After a series of additional legal processes, the court issues an entitlement seal that recognizes him as the *malik* of that particular village.[43] This recognition is then used by the district government or any other source, such as the UN, NGOs, or any outsider coming to the village to designate the *malik* as the person who gives permission to those who would like to work with the village community.

Since *maliks* are neither paid by the government nor by local people, people tend to elect individuals who are more financially secure than the rest of the community. According to Haji Maqboul (a *malik* of Zirani area), a representative who is economically independent is less likely to sell out his people to the central government or become corrupted by armed political groups, commanders, or NGOs.[44] *Malik* Essmatullah (who represents 890 families in Amr Khil area) explains that people such as himself are willing to work without pay because

> by serving our people we are serving Allah, and when our people are happy and their problems are solved we are happy and our family are going to be happy and live in peace. We are free spirited people, the government is weak, there is too much corruption, and too many riflemen around. We believe what we do is for peace in our community.[45]

However, we received information from local residents in the rural districts that many of the *maliks* and members of the district *shura* are under the direct influence of the local commanders or *jihadi* political leaders.[46] A common report was that the work of *shura* is under the scrutiny—sometimes control—of the government authority. At times, the director, his deputies, and the bookkeeping clerk of the *shura* are handpicked by the government head of the district.[47] In some cases, such as occurs in most rural districts in Kabul, we observed that a significant number of those who became *maliks* were affiliated with the dominant political party or powerful local commanders.

A fourth pattern is the evolving composition of the district and provincial *shuras*, which are now a mix of political loyalists and independent individuals. In some of these cases, a 50:50 division exists between the loyalists to the dominant political party/commanders and independent members within a district *shura*. Given that the loyalists usually vote in a block, the independent members have much less collective influence. For instance, the head of Paghman's district *shura* in Kabul is Ustad Sayyaf, a powerful Islamist Salafi, and a significant number of the *shura* members, as well as the deputies of the *shura*, are his political followers. Throughout Kabul's rural provinces, independent *shura* members told us that they are cautious in their participation on the *shuras* because they fear for their personal and family security. Other independent members said that they cannot devote enough time to push for the changes they would really like to see because they have to struggle economically to support their extended families.[48]

The fifth pattern is the differences in responsibilities of district *shuras* from one region to the next. In Kabul, for example, none of the village and district *shuras* are allowed to adjudicate criminal cases; they are restricted solely to the civil/family cases. In contrast, some of the Nangarhar district *shuras* han-

dle criminal cases. For instance, the district authority allows the district *shura* in Mohmand Dara to adjudicate murder cases, convict defendants, and award compensation to plaintiffs, on the condition of total sanction for any further violence from those involved (i.e., to prevent future revenge killings).[49]

NOTES

1. N. Nojumi, "Islam, Custom, and Customary Law in Afghanistan," unpublished research paper for Harvard Law School's Islamic Legal Studies Program, August 2003.

2. For background information see A. Wardak, "The Tribal and Ethnic Composition of Afghan Society," in *Afghanistan: Essential Field Guides to Humanitarian and Conflict Zones* (2nd ed.), ed. Edward Girardet and Jonathan Walter (Geneva: Crosslines Ltd., 2003).

3. For instance, traditional and customary perceptions toward hospitality, honor, and revenge are shared among both tribal and nontribal populations without the importance of their origins.

4. For more details see R. Tapper, *The Conflict of Tribe and State in Iran and Afghanistan* (London: Croom Helm, 1983).

5. For additional background see Louis Dupree, *Afghanistan* (Princeton: Princeton University Press, 1980), 120.

6. For example, Hakim Ayoubi, "Da Paktia simy tamodi huquq (The Customary Law of the Paktia Province)," in *Huquq* VII (Afghan periodical on law in Afghanistan) (cited in Ghani, op. cit., 1978, p. 269). Also see Noelle-Karimi, "The Loya Jirga—An Effective Political Instrument?" in *Fundamentalism Reborn? Afghanistan and the Taliban*, ed. William Maley (New York: St. Martins, 1998).

7. For more details see Ali Wardak, "*Jirga*: Power and Traditional Conflict Resolution in Afghanistan," in *Law after Ground Zero*, ed. John Strawson (Sydney: Glass House Press, 2002), 199.

8. While only men can sit at the *Jirga,* in theory, women are able to voice their concerns through the adult males of their household at the *Jirga.*

9. Nojumi, "Islam, Custom, and Customary Law."

10. Nojumi, "Islam, Custom, and Customary Law."

11. N. Nojumi, "New Constitution and Its Relevance to New Afghanistan," Research Paper, Harvard Law School's Islamic Legal Studies Program (ILSP), September 2003.

12. Interview, Najib Paykan, Director of Youth and Children Development Program, Mazar-i-Sharif, Balkh, December 9, 2003.

13. "Badakhshan" Area Report, the Strategic Monitoring Unit Afghanistan, UNDP, May 2001, 17.

14. Interviews with members of the tribal *Jirga*, Mohmand Dara, Nangarhar, November 2003.

15. For more details see Human Rights Watch, *Abuses against Ethnic Pashtuns:* "Is Afghanistan on the Brink of Ethnic and Tribal Disintegration?" in *Fundamentalism Reborn? Afghanistan and the Taliban*, ed. William Maley (New York: St. Martins Press, 2001).

16. For more information see Alden Wily, *Land Rights in Crisis.*

17. For additional information see Lautze et al., *Food Insecurity in Afghanistan 1999–2002.*

18. Interview, Philip Leclerc, UNHCR Assistant Chief of Mission (Protection), Kabul, December 2003.

19. The Return Commission has achieved mixed results in returning people to their land, largely because there are no legal mechanisms to resolve property disputes. See International Crisis Group, *Afghanistan: The Problem with Pashtun Alienation,* Asia Report #62 (Kabul/Brussels: ICG, August 2003), 13–14.

20. International Crisis Group, *Peacebuilding,* 19.

21. "Report of Return Commission's Working Group on Mission to Jawzjan, Saripul, and Faryab Provinces," May 5–21, 2003.

22. Interview, Alexander Tyler, UNHCR Protection Officer, Kabul, December 2003.

23. Interviews with internally displaced persons in Maslakh camp, Herat, November 2003.

24. Interviews with members of the Mohmand tribal groups, Nangarhar, November 2003.

25. Interviews with *Jirga* members in Surkhrod, Nangarhar, November 2003.

26. Anonymous interviews, Nangarhar, November 2003.

27. Anonymous interviews with persons from Paktia province, Kabul city, November–December 2003.

28. Anonymous interviews, Kabul, December 2003.

29. Interviews with members of Mohmand *Jirga*, Nangarhar, November 2003.

30. N. Nojumi, "New Afghanistan and the Prospect of the New Constitution," Research Paper written for Harvard Law School's Islamic Legal Study Program, Fall 2003.

31. Nojumi, "Islam, Custom, and Customary Law."

32. For more details see Ali Wardak, "*Jirga,*" 199.

33. Interview, Abdul Wassea, member of the *Jirga* at Surkhrod, Nangarhar, November 2003.

34. N. Nojumi, *The Rise of the Taliban in Afghanistan: Mass Mobilization, Civil War, and Future of the Region* (New York: Palgrave/St. Martin's Press, 2002), 14–35.

35. Interviews, members of the Afghan Independent Human Rights Commission, Kabul, October 2003.

36. Interviews, UNHCR officials, Kabul, December 2003.

37. Anonymous interview, Nangarhar, November 2003.

38. Interview, Neamatullah Ebrahim, ICG, Kabul office, November 2003.

39. Interview, Neamatullah Ebrahim, ICG, Kabul office, November 2003.

40. Interview, Neamatullah Ebrahim, ICG, Kabul office, November 2003.

41. Observations and anonymous interviews, Nangarhar, November 2003.

42. Observations, Kabul districts of Surobi, Mir Bacha Kot, Paghman, Musayi,

and Nangarhar districts of Mohmand Dara, Surkhrod, Kama, Rodat, Pachir wa Agem, November–December 2003.

43. It is not uncommon for a *malik* to represent several villages.

44. Interview with members of the district *shura*, Surkhrod, Nangarhar, November 2003.

45. Interview, Essmatullah, Surkhrod, Nangarhar, November 2003.

46. Anonymous interviews with local shopkeepers and members of the district *shura* in Paghman and Mir Bacha Kot, Kabul, October 2003.

47. Observations and anonymous interviews, Kabul districts of Surobi, Mir Bacha Kot, Paghman, Musayi, and Nangarhar districts of Mohmand Dara, Surkhrod, Kama, Rodat, Pachir wa Agem, November–December 2003.

48. Anonymous interviews, rural districts throughout Kabul, November, and rural districts throughout Herat, December 2003.

49. Anonymous interviews, Mohmand Dara, Nangarhar, November 2003.

Part III Concluding Thoughts

Strengthening Justice and Rule of Law Systems

In regards to the formal justice system, the development of rigorous systems of legal education, including the establishment of an Afghan Bar Association and corresponding examinations, the creation of professional legal societies based on qualifications and achievements, the continued training of the judiciary, and adequate funding for the judiciary and its counterparts (the police, detention centers, etc.), are absolutely necessary for meaningful legal reform and the enhancement of the rule of law in Afghanistan. In order to ensure the development of a trained cadre of judicial staff, the Afghan government and international donors must promote a standardized and comprehensive legal curriculum within the higher education system, the establishment of legal clinics, and the replacement of those staff within the judicial system that have no formal legal education or qualifications. The qualifications for judges are laid out in Afghan law—these standards must now be applied and enforced.

While the separation of the judiciary and executive powers has been addressed in the new Afghan constitution, there is still a pressing need to assess this separation in light of the amended constitution. In particular, there is a need to develop and find pragmatic ways to clarify the distinctions and responsibilities among the Supreme Court, the Ministry of Justice, and the Attorney General's Office. Justice cannot be served and the formal legal system cannot function without proper coordination in training and clear distinctions regarding the legal responsibility of the various law enforcement agencies and the justice sector; otherwise, we will continue to see each of these branches negatively affecting the efforts of the other.

The Attorney General's Office is one of the most underfunded organs of the judiciary: it lacks materials for investigations, forensic labs, and a technical facility for evaluating evidence and crime scenes. As a result, suspects

are forced to cover some of the costs of police investigations. To illustrate, suspects or their families are forced to pay for transport cost from a detention center to a local hospital if the court wishes to have a medical opinion regarding the mental health of the suspect.[1]

Currently, many former warlords and their militias hold positions within the police. This status quo must be thoroughly and systematically dismembered if there is to be any real reform within the police. To accomplish this goal, police training academies should expand into the provinces, and the Afghan government and international donors should set a goal of training all police within the next five years. By this time, all untrained police should be replaced by those who have graduated from these academies with the proper training and qualifications.

"Donors should avoid looking for quick fixes where there can be none—that will be counterproductive."[2] The international community and donors should not seek simplistic remedies or quick fixes, as lessons from East Timor and Bosnia show that these "quick fix" solutions are often not replaced by more sustainable and longer-term strategies.[3] Rather, donors and the Afghan government need to design programs that reflect a careful assessment and continuing reassessment of their initiatives as they develop within the changing nature of events within Afghanistan.

Turning now to the traditional and customary justice systems, prior to the Soviet invasion, the relation between the formal and traditional legal systems was—to a certain degree—able to mediate the interests of the state and society toward fostering human security and enabling local livelihoods to be maintained. Whether such a relation was ideal for the state and its citizens is open to debate, but what is important here is that both systems were, in part, helping Afghans to pursue nonviolent, social and political interactions. These systems gave people an option to bring their disputes either in front of the legislated courts or to use the local remedies offered by traditional systems of justice.

Within the traditional systems, local interpretations of *Sharia* and customary law are dominant means used to handle legal disputes; however, such interpretations are often not in keeping with the Bonn Agreement or international standards. Part I, Rural Afghans and Human Security, and the previous chapter illuminate many problems within this traditional system of justice, particularly when considered from human rights and gender perspectives. Many proponents of implementing a more modern legal system argue that justice cannot be served in these traditional systems that are so fraught with inequality and rights abuses. At the same time, the previous chapters also demonstrate that the current formal justice and governance systems are also fraught with injustice, clientism, fraud, and corruption and enjoy little

if any standing with the local population. Is it possible, therefore, to reform and strengthen both the traditional and formal systems of justice? And if so, what are the best means to approach this reform? And how can these reforms be carried out without validating practices and judgments that are in clear violation of international standards and human rights, especially women's human rights?

NOTES

1. Interview, district prosecutor, Guzara district, Herat, November 28, 2003.
2. Denis Gallagher, personal communication, February 2004. Mr. Gallagher is chief of party of Afghanistan Governance and Law Reform coordinated by Management System International (MSI) and funded by USAID.
3. Denis Gallagher, personal communication, February 2004. For instance, given their leadership in the reform of the formal justice system, the Italians are pushing for adopting an interim criminal procedures code to be used as the basis for immediate training of judicial personnel throughout the country. However, the efforts to adopt this interim code are, in fact, preventing the formation of real legal codes and systems that can be upgraded within a more fully developed legal system. The advisability of this interim code and its provisions, which have multiple problems from procedural and human rights perspectives, runs the risk of making the judges who do know the law essentially "illiterate" and inhibits the process of the formation of well-thought-out, permanent, criminal codes. Drawing on lessons learned from East Timor and Bosnia, it is clear that there are no "easy, temporary fixes"; instead, there is a real risk that the quick temporary fixes will become permanent. Nonetheless, the proposed interim criminal procedures code has been pushed hard by some donors onto the Afghan judiciary. Yet, in our research, we found no Afghan justice agencies that supported the law as something that was needed, useful, or likely to be implemented. However, Afghan officials and a number of foreign experts anticipated that this interim criminal law will be recommended to the president because of the pressure being applied by key donors. To this end, UNAMA is largely silent on the issue because Italy is the primary funding source of the judicial reform component of the UN program. However, such short-term, "quick fix" developments are ill-advised and counterproductive in the medium and long term.

Figure 13.1. A young boy sells flowers by a rural road in Sar-e-Pul province. Photo by Elizabeth Stites.

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Moving toward Human Security

Drawing on the findings and observations presented in this book, this chapter offers our reflections on what rural Afghans, countrywide, have stressed to be their most pressing needs and also on our analysis of the current state of human security and livelihoods among rural Afghan populations. This book has focused on the following four key aspects of human security and the intersection between human security and livelihoods: human rights and personal security, societal and community security, economic and resource security, and governance and political security.

Based on our findings, we offer seven key observations. We preface all these observations with the caveat that there needs to be clear recognition that the causes of human insecurity throughout rural Afghanistan are deep-seated. As a result, there may be few, if any, short-term solutions. Without an understanding of the dimensions of the problems and the links between the four levels of human security, analyses often offer only short-term and technical solutions that fail to examine the causes behind key issues. Indeed, problems are sometimes framed in such a way that the solution is a technical fix, something that governments or agencies can remedy through specific technical expertise and implement in a short period of time. With increased pressure by donors for results-based outcomes, these short-term technical fixes are increasingly attractive. Yet, at best, they are temporary bandages placed over deep wounds. When solutions to underlying causes do exist, they are more likely to require long-term commitments. As demonstrated throughout this book, international humanitarian and development assistance programs *are* having positive impacts on individuals, communities, and livelihood strategies. However, tremendous challenges and needs remain, particularly in rural communities. Consequently, the international

community must remain actively and strategically engaged in Afghanistan for the long term.

The first observation is particularly relevant to the United Nations, governmental and nongovernmental actors, and foreign donors, as it relates to a reframing of the current approach to assistance and intervention in Afghanistan. We find troubling levels of infiltration by the various armed political groups into village, district, provincial, and national levels of government and governance. At the same time, donors are increasingly engaging with and channeling their funds through these groups to carry out humanitarian, development, and governance assistance programs. Yet these formal and traditional systems of justice and governance are, for the most part, currently in the control of armed political groups, known also as *jihadi* groups, which use the assistance, in part, to maintain their own powerbases and patronage systems.

The next observations offer more precise methods for refining or developing policies and programs to address pressing issues concerning water, education, health, agriculture, livestock and land health, civic engagement, and the strengthening of the justice systems. While this book covers a variety of themes, our observations are meant to inform the ways in which national and international actors focus on long-term, strategic, and sustainable involvement in these key sectors, which are likely to have positive impacts on other sectors covered in this book.

CO-OPTATION OF AID BY ARMED POLITICAL GROUPS

In analyzing the current state of human security and livelihoods in rural Afghanistan, we traced the levels of infiltration and control of both formal and traditional forms of local, district, and provincial systems of justice and governance. We then looked at how the actors at these levels were linked to the even more powerful actors at the national level. We found that in Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces, the systems of justice and governance—the *shuras*, *Jirgas*, provincial and district authorities, courts, and police forces—have been strategically targeted and often successfully infiltrated and/or controlled by armed political groups. These fora are then used by the various armed political groups to maintain their patronage systems and powerbases.

Presently, nearly all international and national assistance passes through these fora and systems. One can therefore conclude that aid is being used, in part, to maintain the powerbases of and control by the various armed political groups. We found evidence in all six provinces of this manipulation of humanitarian and development assistance funds. We documented the use of aid to maintain

powerbases in a variety of forms, from outright stealing of the aid targeted to weaker villages, to using village leaders and district *shuras* to ensure that the aid largely went to those villagers and militia members who support the armed political groups. Given the fact that such infiltration and control was apparent and nearly without exception in the six provinces, we posit that this is a pattern that likely exists countrywide. At the same time, we are unaware of any avenue to deliver aid to rural Afghans that is not already compromised by and currently being used to strengthen one or another armed political group.

Donor agencies may not be entirely aware of the extent of the infiltration of governance systems and manipulation of assistance by political and militarized groups. This may be because foreign donors misinterpret the forms of governance in place in Afghanistan, or donors may recognize the problem but not realize how widespread and organized it is, or both. It is critical to understand that Afghanistan is not a failed state that lacks systems of governance. Rather, as described in part III, Afghanistan's systems of governance, including mechanisms for conflict management and justice, are well advanced and have been developing over decades and, in some cases, centuries. These functioning systems exist within every village, are linked from the village to the provincial level, and, in some aspects, connect to the Islamic State of Afghanistan. So why then do foreign donors invoke terms more often associated with failed states when discussing today's Afghanistan—terms such as "nation-building," "reconstruction of the state," and "state-building"? They do so, in part, because they are misinterpreting the forms of governance and government that are already well developed within Afghanistan. And they do this because the systems that do exist are not those that operate within the frameworks recognized or accepted by Western democracies.

Shaped by the belief that underdevelopment is a threat, postwar reconstruction of Afghanistan is often talked about in terms of "preventing future acts of terror" against the West. This framing and understanding of Afghanistan is part of a larger shift in the thinking of the international community that began in the late 1990s and prioritizes conflict resolution and postwar reconstruction. The motivation for this shift increased dramatically after the September 11 attacks on the United States. Now, instead of focusing on humanitarian assistance, more emphasis is placed on using development tools and initiatives to attempt to reduce and eventually prevent violent conflict. The aim of such a peace and security agenda is "to transform the dysfunctional and war-affected societies that it encounters . . . into cooperative, representative and, especially, stable entities."[1] Such undertakings increasingly involve a variety of state and nonstate actors, including international and national NGOs, governments, military establishments, international financial institutions, private security and reconstruction firms, the international business sector, and vari-

ous other actors. It is important to realize, however, that the societies and the networks that the West is seeking to reform are increasingly privatized and militarized, as is seen clearly throughout Afghanistan. These societies, leaders, and militarized structures may not be working toward the same agenda of peace and security envisioned by the West.

Billions of dollars have flowed into Afghanistan in the form of international assistance, and millions more have been funneled to armed political groups by various governments and their intelligence agencies. But the stakes are high for the various powerbrokers and armed political groups operating inside the country who wish to see these financial flows continue. In order to receive "above-the-board" international assistance, "southern governments, project partners and populations now have to show themselves fit for consideration. That is, they have to meet defined standards of behaviour and normative expectations. In the case of governments, this could mean following neoliberal economic prescriptions, adhering to international standards of good governance, or subscribing to donor-approved poverty reduction measures."[2] Governments or partners who want to access inputs, both now and in the longer term, from Western governments and donor communities must adopt bureaucracies, structures, and language that are recognizable, understandable, and suitable to the donors in order to leverage funding and be eligible for inputs. This careful maneuvering is clearly present in some of the efforts of the Afghan government and Afghan partners.

Afghanistan has seen a variety of types of state and nonstate entities emerge over the last several decades, most recently with the rise and subsequent fall of the Taliban regime, the emergence and reemergence of various warlords, and the establishment of the Government of Afghanistan. In the absence of a strong state, these state and nonstate entities are now most visible in the form of the various armed political groups that have embedded themselves into the existing power structures at all levels. When these groups are unable to wrest control of local, district, or provincial institutions, they apply violence, intimidation, threats, and other forms of coercion. The armed groups have long abused and manipulated the local governance systems to control local populations and strengthen their own powerbases. In recent years, these local systems have become increasingly valuable as the channels through which international aid and assistance pass.

In some cases, the armed political groups have set themselves in opposition to the current form of central government in Kabul. In other cases, the groups modify their own bureaucracies, systems, and language to mimic that accepted by the international community (including donors and the Government of Afghanistan) in an attempt to access the resources being offered. Once obtained, these resources are used, in part, to sustain and strengthen the

armed political groups and to extend their influence and powerbase. This is done, for example, by keeping their command structure and personnel intact under the guise of a "new police force" (see part III), or by ensuring that persons supportive of these armed groups receive a disproportionate amount of international aid funneled through local forms of government and governance (see parts I, II, and III).

If our data from Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces are an indication of larger countrywide trends (and we see no evidence to suggest that they are not), then the fact that armed political groups are well-placed within nearly all forms of local, district, provincial, and national forms of governance has serious implications for those working to move the country toward more representative governance and sustainable peace and also to provide assistance. International donors and aid agencies are building new roads, clinics, and schools, feeding and providing shelter to rural Afghans, and carrying out a variety of actions to benefit individuals and communities. However, there is a need to recognize that this support and assistance simultaneously strengthens the armed political groups. And it is necessary to realize that in both the short and long term, the actions of these armed political groups underpin and perpetuate the high levels of destruction and insecurity present in Afghanistan today.

Finally, there is no denying that some Afghan commanders and political party leaders who receive support from Western governments are extorting, smuggling, and engaging in banditry and human rights violations. The actions and behaviors of these commanders and their followers are among the most serious threats to the human security and livelihoods of rural Afghans. These are often the same commanders that the United States Central Intelligence Agency (CIA) and the United States Department of Defense (DOD) support. We strongly recommend that the practice of supporting these known commanders be stopped and, furthermore, that the United States military rein in these spoilers. Efforts by these US agencies should instead seek to build the capacity of the Afghan national army.

WATER SCARCITY, CONTAMINATION, AND DEGRADATION

Countrywide, the leading priority of the majority of poor and very poor male and female rural Afghans is improved quality and quantity of drinking and irrigation water. At present, water policy is fragmented among six different ministries. In order to overcome this institutional weakness, it is necessary for jurisdictional responsibility for water supply management to be clarified at the national (within one ministry) and provincial levels, and for efforts to be

taken to build ministerial capacity, skills, and training to manage this critical issue. Addressing water scarcity and water contamination and degradation, particularly of surface water, must be a priority.

International and national actors should develop a five-year strategy for water protection in both rural and urban areas. This strategy should include pilot programs for water supply and sewerage treatment in rural and urban communities. Aspects of the pilot programs should include grey water recycling, sewerage treatment in urban areas, and water purification in rural and urban locations. Package treatment facilities for wastewater treatment and purification onsite can be set up at a small number of connections. Treated wastewater could be recycled for irrigation for newly planted shrubs and trees (to fight desertification) or discharged into the ground or rivers for replenishment. Similarly, small filtration units should be installed at water sources (these can work even in areas where surface sources are used for drinking water), and local people trained to maintain and operate these facilities. If successful, these pilot community water supply and sewerage systems will encourage governmental and nongovernmental entities to expand such programs to other locations.

In response to groundwater depletion, national authorities should institute a comprehensive plan for well drilling that does not jeopardize the safe yield of aquifers. The program design will require a quick hydrogeological study to accurately delineate the boundaries of groundwater and recharge areas. This program should also include a wellhead protection plan to create a buffer zone between the draw down and any potential contamination sources. This will help to minimize the spread of contaminants to the drinking water supply.

In addition to the above aspects, a short-term plan should be developed to prevent the dumping of wastes into water bodies. This is particularly important in provincial centers and near to medical and industrial facilities, as these are major sources of contamination of the groundwater supply and of water sources for downstream communities. Temporary sites for proper storage of refuse should be created until long-term solutions to the solid waste crisis can be developed.

Rural Afghan men prioritized the repair of irrigation systems throughout the country. Projects should focus on water efficiency and conservation. Much international attention has gone to addressing this pressing need and these important efforts should continue.

EDUCATION

The government of Afghanistan and the international community have made great strides in building and improving schools and enhancing education, and these programs must continue. In particular, existing schools should be upgraded (e.g., from tents to permanent structures), more teachers must be recruited, trained, and retrained, and more schools should be built, particularly in southern Afghanistan. Much effort should go into the training of female teachers, and incentives should be created for female teachers to work in rural areas. There should be more schools for girls and these schools must be closer to villages, as, unlike boys, girls are not able to travel long distances to schools in rural areas.

National and international programs should continue to focus on the quality of teaching, the level of education, the quality and breadth of the curriculum, and on upgrading and improving infrastructure. Policymakers should focus on nationwide standardization of a high quality educational curriculum. Regular assessments and monitoring should be conducted to identify which schools and aspects of education require specialized interventions.

Schooling for rural girls is currently woefully inadequate, especially in the south. Relevant national and international organizations and government personnel should conduct an assessment of the system of covert private home schools that existed for girls during Taliban rule. The assessment should seek to answer the following questions in assessing these schools: where were the schools, how did they work, and how well did they work? How and why did communities support these programs? Did people take active steps to mobilize community support for the education of girls? Can some of these networks be reinvigorated and resurrected? Such an assessment may show that the private home school system is *not* a viable option in some or all areas, but this will only be known through consideration and assessment. If deemed appropriate, policymakers should consider the development of similar programs to increase the low attendance rates of rural girls. These schools are likely to require increased teacher training, but may be an attractive community-based option for girls' education.

Even when there are schools for girls in rural areas, girls who are married rarely attend school. This is a particular problem in families and communities where large numbers of girls are given as child brides. As this book demonstrates, child brides face many threats to their human security, including early widowhood. Due to the lack of coping mechanisms available for female-headed households, many women who were child brides themselves place their own daughters into early marriage, thus forming a vicious cycle. Clearly the first step is to seek to end the practice of child marriage. In areas where large numbers of child brides do exist, national and international organizations should seek to encourage families and communities to send child brides to school. One option may be to establish private home schools for young brides and to create a curriculum that emphasizes basic literacy, sanitation, hygiene, and maternal and child health.

The current school curriculum could be enhanced as part of building a strong and active citizenship in Afghanistan. As citizens of a democratic state, rural Afghans should have knowledge of their rights, responsibilities, and the limitations of their rights within the new constitution. Likewise, there is a pressing need for all Afghans to have a greater understanding of the roles and limitations of the state within their lives, their rights to participate in their own governance, and the avenues that exist to address injustice. The signing of the 2004 constitution created an important opportunity that should incorporate into the school curriculum a discussion of citizenship and the relationship between the state and its citizens. Within such a curriculum, schools should seek to teach children the rights of girls and women as enshrined in the Afghan constitution, as these rights are more expansive than those provided under the customary and traditional legal system currently followed in most rural areas. A curriculum that teaches children about girls and women's rights may be a step toward decreasing the current widespread rights violations against girls and women.

A second aspect of expanding and strengthening the school curriculum should be the education of children of all ages on hygiene and sanitation. Educating women on issues of hygiene and sanitation has been found to be the most effective means of improving the health of the household in many developing nations. However, rural Afghan women have extremely limited mobility and little access to education or community programs where these workshops are usually offered. An alternative is to use the schools to educate Afghan children on these topics. Programs should be developed so that these children would not only educate themselves, but also bring this information back to the household. This model has been employed successfully elsewhere in the world.

HEALTH CARE

Continued and expanded training of doctors, nurses, midwives, community health workers, and mobile clinic staff is needed throughout the country. As a long-term goal, increased collaboration is needed among Ministry of Health, Kabul University, and international health schools to provide additional training for a professional cadre of nurses, physicians, and medical technicians, with priority given to recruiting and retaining women applicants.

Rural Afghan women have particularly low levels of access to health care, especially reproductive health care. Although some donors have already launched programs in this regard, there must continue to be a priority on recruiting, training, and retaining female health care workers who specialize in reproductive health for rural areas.

We found widespread and vocal demand for information and access to family planning methods. Given the staggering rates of maternal mortality, such information, services, and materials must be part of providing health care to rural populations. Some community health care workers are equipped with this information and services, and this aspect of reproductive health care should be prioritized and expanded throughout the country. Additionally, through community outreach and education, organizations should work with rural Afghan men and women to provide information on healthy births and the danger signals for women in labor. These programs should also include information on health, hygiene, and nutrition for children.

International donors should continue their collaboration with the Ministry of Health on key programs such as REACH, which specifically targeted women in rural and underserved districts. USAID has also launched creative and innovative family planning and contraceptive programs, the training of midwives and community health workers, and efforts to provide literacy training for women to promote the expansion of women in jobs in the health sector.

Rural Afghans prioritize access to quality health care. Organizations and agencies should work directly with rural communities to strengthen or develop community-based basic health care services, particularly intervention, and should draw on the skills of nonphysician community health care workers and midwives. Information on specific health concerns should come from rural communities themselves. Community health teams should be equipped to respond to specific health concerns in each area, such as micronutrient deficiencies, tuberculosis, or child diarrheal diseases. Therefore, we recommend the continuation of regular and detailed participatory assessments of rural health needs at the district and provincial levels.

Many rural residents have no access to basic health care facilities. Community health teams help fill this gap in the short term, but longer-term solutions require improvements to the facilities, sanitation, equipment, and available medicines and personnel within the rural health clinics. Incentives are needed to encourage medical practitioners, particularly women, to work in rural areas.

As the Afghanistan National Health Resources Assessment (ANHRA) shows, there are significant variations among districts and regions in terms of population size to available health facilities. The MOH and international donors should continue their efforts to establish clinics in underserved areas that are staffed by community health care workers who are drawn from the local communities.

Many of the rural Afghans in our study population who did have access to health care reported that this care was of poor quality. They specified that

clinics lacked knowledgeable care givers and had little to no medicine or equipment. Government agencies and national and international organizations should increase efforts to maintain clean, sanitary facilities that are adequately stocked with basic medications and family planning information and, where possible, contraceptive supplies.

Qualitative evidence points to a rise in drug addiction among Afghan populations. Currently, however, there are few programs designed to assist addicts and none is equipped to treat girls or women in separate facilities.

AGRICULTURE, LIVESTOCK, AND LAND HEALTH

Studies point to growing landlessness in Afghanistan. However, government policymakers and aid agencies continue to emphasize agricultural production as the engine for rural economic growth. Liz Alden Wily cautions, "Plans to increase agricultural productivity ignore the fact that most farmers are landless and without the resources to start farming."[3] Improved agricultural production may employ more wage laborers (in the continuing absence of mechanized farming), but lack of tenure security and inequality will continue or worsen. Programs that focus on increasing agricultural productivity must be aware of and assess these risks and inequalities to help prevent further inequality and destitution of many rural agricultural laborers.

A greater understanding of the factors that make poppy production an attractive livelihood for rural Afghans will help programmers to strengthen programs promoting alternative crops. Limited land access, drought, and poor access to credit or markets for poor rural Afghans has made opium production an attractive means of coping with hardship. Poppy cultivation does away with many obstacles currently facing rural Afghans who engage in largely subsistence agriculture: poppy is drought resistance; large profits can be made from small landholdings; traders and brokers come to the farmer, thereby removing the need for costly, time-consuming, or potentially dangerous trips to a market center; poppy is extremely portable and easy to transport to market when necessary; poppy residue provides fuel for the winter; poppy oil can be used in cooking and oil cake can be fed to animals; poppy has medicinal value; and the opium trade is one of the only industries with a well-developed credit system. Thus, developing and supporting legal agricultural programs that offer similar benefits could be a sustainable and nondestructive way of strengthening rural livelihoods and countering the growing poppy trade. Research should continue into sustainable and appropriate cash crops, and education programs and incentive schemes should be developed to help peasant farmers and laborers move away from poppy production.

The high value of poppy crops and the potential to realize high incomes associated with poppy cultivation makes eradication efforts costly and largely unsuccessful. Indebted poppy farmers are the most vulnerable to interdiction or eradication efforts (and to poor harvests), as they will remain responsible for the repayment of their debt to the opium traders even if their harvest is destroyed (or fails). Eradication programs that remove the commodity (poppy) that underpins credit systems in rural areas will increase vulnerability among the poor and will do nothing to address the patron-client relations that lie behind the systems of debt and opium production. Eradication efforts and punitive measures should not aim at the small-scale producer.

There is a need to support and conduct ecological and environmental assessments for large-scale livestock programs that focus on heavy browsers and grazers, such as goats and sheep. The loss of animals can have profound effects on health and livelihoods. Dairy products, eggs, and meat disappear with the loss of livestock. The sale or death of oxen, donkeys, horses, and camels reduces draught power and decreases the options for transportation to markets and medical facilities. In some cases, the loss of livestock comes as the final blow for destitute families who are then forced to leave their villages and move to urban areas or internal displacement camps. The multiyear drought of 1999–2003 was followed by severe droughts in 2006 and many households are still without adequate numbers of livestock to support their families or livelihoods.

However, after years of drought, soil erosion, poor livestock practices, unsustainable grazing practices, and increased desertification, much of the country lacks adequate pastureland or vegetation to sustain large livestock herds. Although livestock numbers have been relatively low in recent years and cultivation has been minimal due to the drought, the environmental degradation in much of the country results from decades of unsustainable practices, including overgrazing that leads to desertification, and will require decades to recover. Indeed, overgrazing is a cause of desertification and must be addressed head-on. All large-scale programs for livestock restocking should first include an environmental assessment, and should *only* be supported in areas that can be shown to support herds over the medium to long term.

Widespread environmental degradation of land in Afghanistan compounds the already poor condition of much of the country's water, land, livestock, orchards, and fuel. Conflict, drought, population movement, population growth, and lack of local and national policies have contributed to erosion, deforestation, and desertification. Soil erosion is a significant problem in many areas. Erosion is caused by overgrazing on fragile soils, loss of forests and vegetation, and excessive cultivation. Farmers attempt to convert grazing land on steep slopes and at high altitudes to cultivated fields in order to

enhance their livelihoods or as a coping mechanism, thus creating further erosion. These practices directly contribute to desertification, extreme soil erosion, and landslides. Recovery from damage caused by overgrazing and unsustainable fuel harvesting will take decades, even in the absence of livestock or extensive farming.

Environmental degradation in Afghanistan is a threat that affects multiple sectors, regions, and livelihoods, and dealing with this issue should be a top priority. Addressing the environmental problems in the country will require, inter alia, innovative fuel management, the introduction of alternative building materials, farming, and grazing practices, and efforts to stop the illegal harvesting and trade of timber. Finally, we strongly recommend that the Government of Afghanistan and international donors give serious consideration to establishing a national environmental protection agency.

STRENGTHENING CIVIL SOCIETY

Strengthening civil society in both urban and rural areas may facilitate the building of a strong citizenship and an active democracy capable of opposing fundamentalism and warlords. The Afghan state remains very weak and the current forms of governance operating throughout the country have long undermined the rights of different sectors of the population, particularly women. A strong and active civil society is needed to counter these predatory and abusive forms of governance. Strengthening the role of Afghan civil society will require consistent and long-term efforts to expand the political space for civil society groups and actors.

Some civil society groups already operate in ways that seek to counter predatory forces and to uphold the rights of Afghans. Perhaps the most notable of these groups is the Afghan Independent Human Rights Commission (AIHRC). The work and capacity of the AIHRC should be supported at all levels, and international organizations should assist the group in expanding beyond the capital city. We believe that strengthening the work of AIHRC may also enable a widening of the space for other legitimate civil society actors that focus on issues of human rights, political representation, good governance, justice, and social welfare—areas that are critical for developing an active citizenry and countering the various forms of fundamentalism and militarism currently operating throughout the country.

The international community and donors should support and recognize efforts by national NGOs and civil society actors that are seeking to establish standards and codes of conduct. These groups have proposed the Code of Conduct for NGOs Engaged in Humanitarian Action, Reconstruction, and

Development in Afghanistan. Included in the key principles for the NGO code are gender equality, gender equity, and capacity-building. Here, capacity-building is defined as the process by which individuals, groups, organizations, institutions, and societies increase their abilities to: 1) perform core functions, solve problems, define and achieve objectives; and 2) understand and deal with development needs in a broad context and in a sustainable manner. There is emphasis in the text on promoting Afghans' self-reliance, participation (specifically of women), effectiveness, monitoring, and evaluation. The international community and donors should make all efforts to help build Afghan capacity to understand needs, establish priorities, and take effective action so that ultimately humanitarian, development, and reconstruction needs are met by Afghans.

Currently, national civil society groups and NGOs within Afghanistan are highly segmented and usually operate along thematic lines without engagement in exchanges with relevant partners. As a result, there is little cross-fertilization of the groups. In order to strengthen civil society, international donors should promote and facilitate national and regional gatherings in which civil society groups can exchange information and strategies on how to better build capacity within their specific geographical, cultural, and political contexts.

JUSTICE

The Formal Justice System

There is a need to establish accredited law schools under the Ministry of Higher Education. These law schools should be separately established and accredited schools with their own faculties, independent from the School of *Sharia* and Political Science.

Within this network of accredited law schools, programs should be established to train defense attorneys. These training programs should be one part of broader efforts to establish a system of defense and legal advocacy within the Afghan court system. In particular, there is need to work to ensure that the courts are obligated to inform litigants about their rights in choosing defense attorneys and advocates prior to any court proceedings. To help establish a legal system accessible to rural Afghans, it will be necessary to expand the system of legal clinics and workshops to the provincial levels with the aim of building professional capacity within the judicial sector.

The curricula of the legal clinics and workshops should include specific guidelines for judges, prosecutors, defense attorneys, and legal advocates regarding the need to enforce Article 517 of the Penal Law. This article seeks to

ensure the civil and human rights of Afghan citizens, especially women and girls, who are victimized by certain customary practices, including *Badal*, that are contrary to codified Islamic law.[4]

The establishment of and financial support to Special Family Courts at the provincial leave (a minimum of one per province) would be a positive means of strengthening the rights of Afghan women and girls. Female judges should administer and oversee these courts to enable enhanced access for Afghan women to the formal legal system. Other ideas to promote the rights of females include establishing and funding Special Property Courts, at least one in each province, to handle extended property disputes. Increasing the number of city district courts in major urban centers will also improve the accessibility of the formal justice system. Legal advisory and support centers, a minimum of one per province, could be established to provide legal information for Afghan women. These centers could work in close coordination and cooperation with the Afghan Independent Human Rights Commission, Ministry of Women Affairs, and Ministry of Justice, and UNAMA.

Current efforts to reshape the judicial sector—which includes the Supreme Court, Attorney General's Office, and Ministry of Justice—should be supported, including supporting the appointment of qualified, trained officials in the leadership of this sector and providing their offices with adequate funding. Provincial and district judicial and justice sectors will not have meaningful reform unless core aspects of the Government of Afghanistan undergo major change. Necessary reforms in these sectors include revamping the nature of appointments, whereby the existing system of clientism and power consolidation is replaced with one based on the promotion of individuals according to qualifications, training, and results.

Afghan citizens are entitled to know their rights and to have these rights protected. Important steps toward this end could include launching and supporting a public law awareness program using national radio and television to inform Afghan citizens about their legal rights and responsibilities. Within this, programs could highlight the right to legal advocates and the rights of women under the new constitution.

Given the weak status of women and low levels of respect for women's rights in Afghanistan, we deem it necessary to find ways to nurture the democratic participation of rural Afghans within traditional systems of justice, prioritizing the development of women's councils and the real and meaningful representation of women within *shuras* and *Jirgas*.

Finally, as mentioned above, it is crucial to expand the space for civil society to develop democratic institutions that challenge fundamentalisms and armed political groups that rule by fear, intimidation, and clientism.

The Police

In order to stabilize the security sector, there is a strong need to develop a police force that is strong, just, and independent from the military, local and regional commanders, and armed forces. Administrative reform in the police is a must and should be focused on dismantling the clientism among the current police forces. "Why is it that the majority of current police forces in Afghanistan have no training as professional police?" The answer to this question, as detailed in this book, is that professionalism and professional qualifications have nothing to do with why most police chiefs, officers, or soldiers currently hold their positions, or why they will continue to hold these positions in the future if the present systems remain in place. What matters is that these persons were loyal fighters under a more senior commander who, in turn, is part of an armed political group and now holds a senior position within the government, such as minister, deputy minister, governor, or senior commander within the new army. And what matters for these leaders is that those who serve under them are loyal fighters, then and now—not whether or not they are professional police.

Some Afghans do have professional police training acquired under previous regimes; most were trained during the Soviet occupation. The association of these police officers with the Soviet system means that they are not deemed loyal by the former *jihadis* and other armed groups now in control of the provincial and district government structures. The few trained police who have been able to maintain their jobs as police have little to no opportunity to use their skills; instead they push paper and perform routine administration tasks.

In Badghis, Balkh, Herat, Kabul, Kandahar, and Nangarhar provinces, almost no rural people rely on the police to provide protection. Similarly, few people consider the police as a means through which to access justice or seek redress in the event of a crime. Many rural men and women we spoke with said the current police forces were ineffective in upholding law and order and were corrupt, were thieves, and violated human rights. This is not particularly surprising considering that the police have no loyalty to the rural populations or, in many cases, even to the Government of Afghanistan. Rather, the police forces are beholden to the powerful commanders and armed political groups that control the areas in which they live and work. Based on this reality, a lack of "professionalism" is not the central problem in the police forces. And it is highly questionable whether two weeks of training and a new uniform will begin to scratch the surface of the heart of the current crises facing the police and larger security sector in Afghanistan.

A police force that is strong, just, and independent from the military, local and regional commanders, and armed forces is essential to promote and

provide a safe and secure environment for Afghanistan's people. Administrative reform in the police is necessary and should focus on dismantling the clientism among the current police forces. Emphasis should be placed on enabling educated and trained police officers a chance to serve the nation. Increasing the number of recruits in the Kabul Police Academy is a necessity for rebuilding the police cadres. However, a single police academy in Kabul is not enough to meet the urgent need for a strong, well-trained, civilian police force in Afghanistan. The Ministry of Interior needs support to take steps toward establishing additional police academies, at least one in each major urban center in order to provide adequate forces around the country.

The reestablishment of central command and control of the police force can take place only if there are a significant number of cadres in the police force who form the organizational backbone beyond Kabul. An educated, well-trained, equipped, and properly paid police force that is not tied to any particular commander, warlord, drug lord, or armed political group will enhance the public image of the central government. A functioning police force would be able to protect Afghan citizens from crime, and would minimize the likelihood for abuse at the hands of the police forces, which in some areas is a nightmare for average citizens. In order for a professional police force to function properly, it will be necessary to equip district police stations with basic supplies, such as paper, pens, standardized forms, furniture, communication equipment, transportation facilities, and supplies for detention centers (mattresses, secure facilities, bedding, etc.) and to invest in basic infrastructure for the district police stations (such as physical buildings, detention centers with sections for different prisoners, and secure facilities).

Human rights should not be a separate department within the police (currently there are human rights units) but should be mainstreamed into every aspect of education and training for police. Knowledge of human rights issues should be a professional requirement for all those who wish to be considered for employment in the police force.

The Traditional Justice System

It will be a number of years before the formal judicial system in Afghanistan will be able to adequately address the needs of rural Afghans, especially those living in remote parts of the country. Nonetheless, the just resolution of disputes is essential to achieve justice and preserve peace and security for individuals, families, and communities. Consequently, it is necessary to promote reform of many of the processes, provisions, and principals of the customary justice system. In particular, those responsible for the adjudication and arbitration within local fora should be responsible for ensuring that decisions

within the traditional justice system are reached in a fair and just manner and are in accordance with national and constitutional legal codes. Additionally, efforts should be made to promote the awareness of rural Afghans of their legal rights and responsibilities before the law.

There is a need to establish programs to strengthen relations between the formal and traditional systems of justice. Such links could increase the legitimacy of the formal justice system in the eyes of rural Afghans. These links could also help to bring the customary systems more in line with the provisions of the new constitution, including those for human rights, while allowing the traditional systems to maintain their own autonomy separate from the formal legal system.

The vast majority of rural Afghans rely on traditional justice systems to resolve conflicts. The traditional justice systems are a central means by which rural Afghans address conflict, sustain social and community networks, and build communal harmony. For many rural Afghans, these systems of justice are more accessible, affordable, and trusted than the formal system. While, overall, rural Afghans have long considered these traditional systems to be viable mechanisms for reducing conflict and keeping communities at peace, they are particularly harsh for women. Additionally, today many of these systems have been tainted by the influence of local power holders and warlords. These influences have often resulted in systematic abuse of the rights of rural individuals. Ignoring the need for reform of the traditional justice systems leaves rural communities at the mercy of those seeking to enrich their own powerbases at the expense of the rights of rural Afghans. By strengthening relations between the formal and traditional systems and extending the reform efforts to the traditional systems, the international community and the Afghan government may be able to improve the ability of the traditional systems to serve the needs of rural Afghans. We stress, however, that the traditional systems need to retain their autonomy from the formal judicial systems.

One potential way to promote links but allow for continued autonomy of the traditional systems is to support the Afghan Independent Human Rights Commission (AIHRC) to establish a permanent, nationwide circuit system with the purpose of promoting human rights at the village level and within the traditional justice systems. The AIHRC has made important strides in the promotion and advocacy of human rights within the Government of Afghanistan and among sections of the Afghan citizenry. However, AIHRC's activities have been limited to a handful of urban centers due to a lack of capital and human resources. As a result, the vast majority of rural Afghans have not benefited from the activities of the AIHRC. A rural nationwide circuit system would allow for dialogues and interactions among the AIHRC, rural communities, and the local leaders, and would create an avenue for AIHRC to

bring information about human rights into local communities and local justice systems. A nationwide circuit system could be developed and operated with coordination and support from relevant national and international organizations, including UNAMA, UNHCR, OHCHR, and UNDP, among others. The circuit system would need the strategic, long-term support and commitment of the Afghan government as well as the international community.

Finally, there is a chronic shortage of information regarding traditional and customary justice systems within Afghanistan. Only a handful of limited studies about the customary justice systems exist, and most deal with the pre-Soviet era. There is a wide gap of information on the sources of law these systems draw upon, legal authority within the systems, representation of the parties, and customary ruling processes. This lack of information has been detrimental to the involvement of the national government, provincial governments, and international organizations in both understanding and finding ways to strengthen traditional justice systems to best serve the needs of rural Afghans. A better understanding is needed on how these systems have been affected by thirty years of war, social upheaval, political transition, and the emergence of a variety of armed political groups. Detailed, in-depth investigations could assist the Government of Afghanistan, Afghan academics, members of the judiciary, and the international community in offering pragmatic policy suggestions to enhance and improve the rule of law throughout rural Afghanistan.

NOTES

1. Mark Duffield, *Global Governance and the New Wars* (London: Zed Books Ltd., 2000), 11.
2. Duffield, *Global Governance*, 7–8.
3. Liz Alden Wily, *Land Rights in Crisis: Restoring Tenure Security in Afghanistan* (Kabul: Afghanistan Research and Evaluation Unit, 2003), 5.
4. Article 517, Part One: Those who place a widow or a girl over 18 into marriage against her agreement will be punished. Article 517, Part Two: If the crime mentioned in part one is committed due to compensation of (*Bad*) the person should be punished, but not more than 2 years (Punishment law of Afghanistan/provision 517).

Afterword

Afghans, with the support of the international community, strive to live in peace with dignity. Data presented in this book, as well as in subsequent field reports, finds that there is no shortcut for building peace and democracy without long-term commitments for improving human security and livelihoods in Afghanistan. At a structural level, such an emphasis can enable Afghans to play a dynamic role alongside the international community to address violence and build peace. Among other issues discussed in this book, the following key areas need greater strategic consideration for Afghans to realize peace and security.

LIVELIHOOD DEVELOPMENT AND INTERVENTION

Data and analysis presented in this book show a strong link between livelihoods and conflicts wherein people have endured loss of life or loss of access to scarce resources. In Afghanistan, the depletion of local assets has had a multiplying effect, as conflict has been felt at both community and individual levels. In addition to the ongoing political violence, several years of drought stressed and, in some cases, uprooted local livelihoods, restructured ownerships of productive resources, and weakened the ability to cope with destitution. This harsh condition has deepened political violence and strengthened criminal networks and warlordism. Since 2004, donors have continued livelihood intervention by funding an increase in agricultural production and alternative livelihood programs. However, an estimated seven million people still remain vulnerable to hunger and the risk for famine remains high. In the same vein, the majority of Afghans do not have access to safe drinking water,

only 12 percent have adequate sanitation facilities, and just 6 percent of the total population has electricity. Life expectancy remains at forty-four years compared to fifty-nine years for low-income countries.

The January 2006 London International Conference on Afghanistan marked a turning point in bringing donors and the Afghan government closer to consensus, a consensus in line with the concluding analysis and recommendations presented in this book. The approval of the Interim Afghanistan National Development Strategy (IANDS), which outlined its priorities for the betterment of some key aspects of human security—increasing security, tackling the drug trade, and strengthening governance—is a significant step at the policy level. In May 2006, the World Bank began to align its engagement with the Afghan IANDS with a focus, among others, on improving rural livelihoods and promoting rural economies.

Since 2004, the National Solidarity Program (NSP) has been channeling direct funding to developmental projects via electing Community Development Councils (CDCs) and is the flagship for locally driven livelihood intervention. So far, the World Bank has supported NSP's locally designed initiatives in 10,922 villages throughout thirty-four provinces. About 88 percent of the CDCs' initiatives involve infrastructure such as irrigation, rural roads, electrification, and drinking water supply that are crucial for the recovery of the rural economy and reconstruction of rural livelihoods.

GOVERNANCE AND CIVIL SOCIETY DEVELOPMENT

Afghanistan is far from being able to offer its citizens a civic political condition and a functioning democracy; nonetheless, donors and the international community have continued to encourage and support Afghan's participation in the political process. In this book, governance stability, civil society, the rule of law, and access to justice are viewed as key indicators of rural Afghans' human security. Also, as discussed in this book, rural Afghans, to a large degree, have lost their traditional and grassroots defense mechanisms in the face of warlordism, armed political groups, drug lords, and corrupt government officials. The final analysis of this book shows that the majority of rural Afghans demand good governance, the rule of law, and want fair political representation. Indeed, the September 2005 parliamentary election mobilized over six million Afghans to send their represented delegates to Kabul, the capital city, as an important step toward the fulfillment of such demands. For their part, Afghan parliamentarians carried with them a host of complaints and concerns about local problems and human rights violations filed by their constituencies. Such action gives local people the ability to shed light on their local concerns at the national level and to hold the Afghan government accountable.

HUMAN AND WOMEN'S RIGHTS DEVELOPMENT

There have been notable achievements in the betterment of girls' and women's rights in public spaces. Afghan girls' enrollment in various educational institutions, especially at primary and secondary educational institutions, has brought new hope for the future of Afghan women. Representation of Afghan women in the parliament in 2005 was a fundamental step of the post-Taliban political transition and it caused a wakening effect on the role of women in public life.

Despite these notable achievements, Afghan girls and women are still enduring chronically high levels of insecurity. Maternal mortality rates are as high as 650 per 100,000 live births. Suicides continue as women and girls take their own lives to prevent unwanted arranged marriages or to end emotionally and physically abusive family relations. A shortage of health facilities combined with cultural restraints and the strongly patriarchal attitude of many Afghan lead some Afghan women to continue to rely upon opium substances as painkiller and anti-depressant.

High illiteracy levels—four out of every five—among women has continued to be a pressing factor in women's awareness of their rights. This factor is particularly alarming in the south and east where the rise of insecurity and direct threats against women's education is rising. As Taliban insurgents and Islamist forces have strengthened in the last three years, female teachers were killed and many families were terrorized by violence against their schools and pupils. Girl students were shot dead on their way to and from school by Taliban snipers.

The situation for human rights defenders has also deteriorated. Female members of the Afghan parliament have been harassed, and legal reforms designed to protect women have not been implemented. Members of the Afghanistan Independent Human Rights Commission, headed by a woman, and representatives of national human rights organizations face constant threats. Militant terrorist groups have assassinated female public personalities, while women continue to be detained for breaching social mores. In the last three years, a surge of cases of "honor" killings of women and self-immolation by young women is alarming.

The betterment of human rights and women's rights has been a fundamental marker of human security in the post-Taliban reconstruction of Afghanistan. Since 2004, the newly emerging Afghan media has spotlighted human rights

abuses, helping to raise women's rights as an important issue in public debate. This development has located gender policies between the global and local influences of international donors, the Afghan government, and various political groups, some with conservative Islamist stands. At the local level, the erosion of local livelihoods, the existence of a powerful criminal economy, and the recent upsurge of insecurity have produced extreme forms of violence and vulnerability for Afghan women. The ways in which the dichotomy between global and local forces can be settled will be decisive in determining the future of human rights and women's rights in Afghanistan.

SECURITY SECTOR DEVELOPMENT AND REFORM

The inclusion of noncombat civilians within the Afghan National Army (ANA) continues to positively affect stability in Afghanistan. The ANA was capable of providing security for the presidential election in 2004 and the parliamentary election in 2005. The United States–led embedded training programs have been a significant institutional and operational boost to the personnel and leadership of the ANA. At the same time, the ANA still significantly lacks combat support and combat service capabilities that are instrumental in achieving the ANA target: seventy thousand trained troops.

As discussed in this book, the Afghan National Police (ANP) has been dominated by former militia commanders who filled most of the positions with their clients. Over the past three years, Kabul has successfully reduced the power of warlord-governors by reassigning them away from their geographic powerbase, but their networks continue to influence provincial administrations.

ANP reforms took place only at the end of 2004 when President Karzai began to appoint all chiefs of provincial police through a rotating program. It made marginal improvements, but many of these chiefs were able to manipulate rotating programs by bringing a large number of their loyal personnel to their newly assigned locations. In addition, district chiefs of police, in most cases, remained loyal to local warlords.

With low levels of education and high levels of illiteracy (especially at the district level), police forces are still adhering to local customary codes rather than legal proceedings of the Afghan constitution. This adherence has been disastrous with regard to the protection of women's rights, in particular. Along with training and equipping the ANP, security sector reforms, especially the dismantling of the patron-client tendency, are still challenges faced by the Afghan government and Germany and the United States as leading donor nations in the security sector.

PROVINCIAL RECONSTRUCTION TEAMS DEVELOPMENT

Since 2004, the number of Provincial Reconstruction Teams (PRTs) has extended from its initial seven in 2003 to twenty-four in 2007. This expansion has been instrumental in building a security umbrella that, to a great extent, has weakened local warlords' control throughout Afghanistan. However, the PRTs, more than ever, need to develop a standardized management and command structure compatible with the Afghanistan National Development Strategy adopted at the London Conference, rather than policies pushed down from donor nations' capitals.

A more cohesive command structure at provincial and national levels will improve coordination among and between the two systems of PRTs (one run by NATO and the other run by the United States). This will enable the United States and/or NATO to ensure a secure environment and to support governance needed for reconstruction projects run by the Afghan government and NGOs.

JUDICIARY SECTOR DEVELOPMENT AND REFORMS

Italy, as the leading donor nation in rebuilding the justice sector through the Italian Justice Project office in Kabul, is continuously involved in supporting judicial reform via training and legal education opportunities for Afghan cadres abroad. As of June 2005 some 20 percent of judges and prosecutors went through formal training courses. In addition, the establishment of the National Training Center began to work restructuring curricula for legal studies in order to better educate and train legal cadres. With United States' support, the only master's program for law graduates has been formalized. However, at the current pace, it will take at least a few decades until a functioning justice system is built, especially at provincial and district levels.

In 2006, the Afghan judiciary, especially within the Supreme Court, received a new breed of leadership that hoped to bring drastic changes throughout the Afghan courthouses. But the lack of resources, including trained cadres within the judiciary (especially at the primary courts level), caused the system to miss its benchmarks. A dominant patron-client network within the three branches of government stops judicial reforms from doing more than advising, and often without any effect.

A significant number of officials working in Attorney General provincial branches, in government courthouses, and for the Ministry of Justice remain largely without any legal education. Yet most of these officials work through a patron-client network, which puts into question their adherence to

the rule of law and the spirit of the new Afghan constitution. In most cases, the understanding of legal procedures and the codes and conducts of the justice system among these officials is minimal. These shortcomings have given space to ever-increasing corruption, intimidation, and bribery, which damage and weaken the character of the central government. Still, in many cases, a provincial governor or a chief of police decides who and how one should be charged, which is one of the main reasons why no warlords and heads of armed political groups who have been involved in gross violations of human rights have been brought to justice yet. The state of the judiciary has led people to continue to rely on the Afghan nonstate justice system as a popular, accessible, and inexpensive system for dispute settlement and conflict resolution.

We hope the findings presented in this book inform and encourage donors and the Afghan government to bring the debate over the improvement of human security to the center of policy formation. Our findings strongly emphasize the need to strengthen rural Afghans' livelihoods within a human security framework. For this reason, we argue that the betterment of human security will help offer durable remedies to the current crisis of insecurity, weak governance, underemployment, and shaky reconstruction in today's Afghanistan.

At its capacity and to this point, this book hopes to offer valuable evaluations of key issues in the post-Taliban Afghanistan. Our data and these evaluations were based on reflective analysis including extensive field studies, wide research inquiries, and direct interaction with policy and implementation communities. The scrutiny and support of a group of leading experts of the data and analysis presented still hold certain grounds that need strategic attention. Yet these combined efforts and resources collected in this book have offered a momentous opportunity to the authors of this book to connect the missing links between the concerns of the Afghan populace and the international community regarding Afghanistan's stability and reconstruction.

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January 2008

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Stites has worked in Afghanistan, Bosnia, South Africa, Uganda, Zambia, Zimbabwe, Mozambique, and Democratic Republic of the Congo. Since 2005 she has focused on Uganda, examining civilian livelihoods and protective strategies in the LRA-affected northern region and the interrelated livelihood and conflict issues in the pastoral northeast. She has published international reports on livelihood and human security in Afghanistan, Bosnia, northern Uganda, and northeastern Uganda; external evaluations of UN and donor policies and programs; and various journal articles and book chapters.

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